G. R. S. IX-5]

Previous referenc

18
~~192~~

(In ultra

File No. 37

Serial Nos.

Later references.

Secs 1 area

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Pujaripship of the Kalamma temple at Nagamangala

---

5 of

Memo.

Herewith Deputy Commissioners docket No 383 dated 31st Aug 1886. forwarding 6 files of Canarese proceedings connected with the Archaka regarding the Yajamanaship and Office of Pujari in the Kalleshwara temple at Kaaka Nagammegala Nagammegala Taluk Branch Road Sub Division.

1 In his Wrzee No: 1334 dated 2 July 1886 Chennappia, Archaka or Pujari of the said temple, prays for the restoration of his hereditary Office of Pujari of which he has been deprived by the Sub Division Officer Order—

2 One Dodda Neelaiah son of Chinnaiah of Nagammegala in his petition No: 1623 dated 6th August 1886 states that he is the Yajama of the temple in question and prays for the acknowledgement of his Claim and the Cancelment of the order above referred to

One

[redacted] of 6 pagodas per A
that time the Poja
arum and the names
who held the Office
he disclaimed.

6 (On the 6th July 1810 at
request of Nallathumbi Ganapa
Iyen' Kallidaikurichi Gurukal Anjafly
H. H. the late Mahrajah Swami
Thiruvadi Ayyangal Sahib
order ing the discontinuance of the Tasks
and the removal of the Cani which
was being collected from the Panchali
on behalf of Government, which
was thereafter ordered to
be discontinued by them (the manda
magars of the temple) and directing
that the management of the temple
and the worship therein may be
left to the Valagars themselves.

7 In 1832-34 a dispute arose
between Nallathumbi and one Veerama[x]
regarding the Pujamaniyam of the
temple and this was settled by
the Sirishtadar in favour of Veeramah
but-Donee of the Panchalars having
refused to pay him the Teruppa
amanam, they were ordered
Thro the Sheristadar that th

[x] father of Maramah
the present Petitioner.

[x] 6th June 1836.
Copy produced by
Maramah with his Petn

wal—pay the Peruage (temple Karnatka)
to Veerunnah.
In 1838 one Ramu
l the Office of Pur the
sted a Deed—in the Elder's
for the recovery of Rs. 237-3-
e arrears of pay due to him—
Veerunnah and Rus Murial,
rate of 10 fanams per mensem,—
had been fixed by Meintō;
—— and obtained
decree for Rs. 712 's 10 Against
This decree Veerunnah preferred an
appeal to the Nungarakud Punsuff's
court where the order of the
lower Court was confirmed.
In 1815 Veerunnah preferred a Special
Appeal to the Chelagram Superintendents
Court, which the Nawaub reversed the
decis of the lower Courts passed
order to the following effect—
cal—by Government had not
Mornagul Veerunnah to collect
Parage amount from the
inhabitants and to pay the Pujare
al—Dal—and Rest of Mens Fare
, or" should not now compel
him to do so."

O.S. No. 30 of 1838.

× An Unattested copy produced by Chennappa Dikshitar on the Pet.rs

× At the rate of 5 Fanams per mensem as was paid during Punnyah's time—.

No. 179 of 1844, not-filed.

30 - 6 - 1846.

× An unattested copy decree has been produced by Narainah on the Petitioner

12 of the 1850 the Panel
Velitz, Tungala and the three
Villages executed a Karar in
of Chenmah father of Neela
the effect that Chunnah who
spent a large amount for the
toration of the temple was to
the Nyapanam and manage
affairs of the temple, collecting the
Varaga or Kanakee amount from
them and prayed or requested the
Delagram Superintendent to ac
Knowledge Chunnah as their Nyapanam
But the Amildar having reported
that no Govt. Jasdi was being enjoyed
by the temple except a Jode land,
the Superintendent ordered that
Since the temple was not under
Government control, the Panchalas
might manage its affairs in any
way they liked.

10 Kapampa the Dekshatta
son of Rama Dekshatta had succeeded to the Office of Pujare and in 1852 a
dispute arose between him, Chunnah
and the said Veerunah about the Nay
Dee of the temple. At this time
as the Inungaran Department was

× Copy filed with the proceedings

× Exact date cannot be ascertained.

[redacted]

Original filed with the Proceedings.

No 278 of

No 180 dated 30 11 53. Original filed.

No 95 of 25-12-53

the Shaikdar to put V
ession of the Inam

12 Then Kalianarathi D
petitioned the Superintendent
the Amildar's proceedings &
order was passed to the effe
Inam the name of the Pujari
not been mentioned in the Inam
accounts the Pujari for the li
being should enjoy the Jode Inam
also.

13 In 1855, in compliance with the
Chief Commissioner's order; the In-
amatti account of Nagamangalam Taluk
was prepared, as had been done in
other talukas, when, Veerumah's name
was entered in the accounts as the
enjoyer of the temple Inam.

14 On the 12th of April 1857
the Panchalas and Kalianarathi Dik
shatta took back the possession
of the temple by compulsion from
Veerumah and on the latter's com-
plaint, the former were fined
and ordered to restore Veerumah's
possession, but the Panchalas having
refused to submit to this order,
Veerumah complained to the
Asistant Superintendent and
was given an endorsement stating
that

[illegible] Pramukan Nair [illegible]
The Tirupasuri Disputes

ably after words on the com
of Kempaconare, Neelcah
ners, The Amildar confirmed 12-6-1857.
possession of the temple &c to
Ramaswamy Pillai and others.

Subsequently Ratnasabapathy
Vellalan petitioned the Chief
Commissioner praying that his
claim to the Office of Pujari might
be confirmed. This petition having
been referred to the Amildar
a report was submitted by him, No: 5 & 1858.
to the effect that the temple belonged not filed
to the Community of the Panchalas
of Nagamangala and that three
different parties were holding
the Office of Pujari on different
occasions, neither Ratnasabapathy Pillai
nor Veerumah could claim the
Office as exclusively his own.
Abaul Thus time, Veerumah also
having petitioned the Chief Comr.,
submitting all the orders that had
been passed in his favour &
was forwarded to the Amildar
for report as to why the former
orders had not been carried out

No: 8 & 29-9-58.
Copy produced by Veerumah
with this petn.

with instructions to carry
Orders at once -.

17 The Subordinate Judge [illegible]
the report called for, and
subsequently passed declaring
Veerunah to be the Pujaman,
directing that the affairs of the
should be subject to his management

18 Appeal - Mrs. Lewis the Junior
(P) Report [illegible] again handed over to
the Division and Mr. Lewis - who was
thus made responsible - to give effect
to the above order, and on the
Complaint - of Kapaneepathy Dikshatar
they issued an order - to the effect
that the Chief Court's
order - referred only to the Pujaman
of the temple, and not to the Office
of Pujaru or Archaki, nor to the
possession of the property belonging
the temple - and that, therefore,
Veerunah should not be allowed
to hold the Office of Pujaru & the
possession of the temple property,
but should only be acknowledged
as Pujaman.

19 Veerunah then appealed
to the Chief Court against - the
above order - and thereupon

mm
No: 2 of 29-2 1861
Copy filed

No: 6 of 20-5-61
Copy filed.

on, the marginally noted
evidence having taken place
an inclement was ordered
case of the case by making
an enquiry as to the rightful
and the case was then re-
to the Dy. Superintendent of
roads and during the enquiry
the Kunzarai Officer, Veerumah
stated that he would not be satisfied
with the Yajamanakee alone & that
the Office of Pujari should also be
given to him, while Neelah and
other Panchalas represented that
since Veerumah had been declared
by the Chief Court to be the
Yajamaun, they had no objection
to his being the Yajamaun of the
Swachar community of the Panchalas,
to which he himself belonged.
Then both the Deputy Superintendent
and the Kunzarai Officer ordered
that "as no further instructions
than those contained in the
Chief Court's order (referred to
in para 17) were necessary, that
order must be fully carried
out". On the authority of this
order, Bheema Rao, the Peshkar

Rev: 506 of 30-9-62 from Attagram
Rev. 420 of 27-2-63 Do do.
Both not filed.

15-10-63

Rev: of 16-11-64
Rev: 156.

No: 2 of 6-5-64.

of the talukk directed to put Veerumah in poss the temple and its props. cluding the Inam land and to order the Panchalas pay to Veerumah the Sarage Contributions. This change was effected on the 20th of May 1864 and the whole of the temple props which were in Neelkahs possession were handed over to Veerumah.

Hafampatha Dikshata's Mothers Sister's Son.

20 Hafampatha Dikshatta and all the other male members of his family died about this time during an epidemic of Cholera and at the request of one Parvathumah, widow of Sreekanta Dikshatta, (brother of Hafampatha Dikshatta) Chennappa Dikshatta (present Pattakaran) was nominated to hold the Office of Pujari of Bhuvanaswara and temple at Nagamangala, during the minority of Nanjundiah, the adopted Son of Parvathumah

yearly order No: 5 of 28-8-64.

21 Hence forward Chennappa Dikshatta went on addressing petitions claiming the Office of Pujari of the Halle Ramma la and after a lengthened correspondence

ndance – Sheristar himself,
Deputy Superintendent, and the Amildar,
Pearse – ordered that, Rubakari No: 308 dt 30-9-66.
arrangement which was in
use prior to the change brought
-t by the Peshkar Bheemaiah,
t be restored, on the following
ls: –
That hereafter the Chief –
ourt – over the late Superintendent
ward given the Pujare work to –
Veerunah.
2. That the handing over to –
Veerunah by the said Peshkar
Bheemaiah after possession of the
Temple and the Inam land –
was quite improper and against
the said Orders.
3. When the Amildar was
directed to carry out the above
order he restored the Office of 31-10-66.
Pujare to Chennabba Bikshatta –
as the Successor of Kabaregatti
Bikshatta & Sreekanta Bikshatta.
3. Where upon Veerunah again –
applied to the Chief Court. who
after ——— passed the appeal— No 2709 dt 18-11-
from the Superintendent ——
——, gave Veerunah costs dt
to the appeal. That in his case final

Here with put-up
No. 4701 dt 16-5-67
No. 5246 dt 19-10-67

final order had been pas-

24 (- hereafter D
Iteen must- on praying that
rates of pay, due - to his office
be secured for him - from Veeru
and other Panchalas, and Veer
persisted in his demand for
restoration of the Pujas office &
the Dy. Superintendent - after
holding an enquiry ordered
Cox on
Spriddar that the houses of Jan
which had been assigned to the Ja
must- be made payable to Paj
Veerunah who should keep a pro
account of the monies received by
him - and produce the same when
ever required either by Govt.
by the Panchalas that the per
formance of the Puja &c in th
Temple should be conducted un
his directions as usual in the pre
of the other Panchalas who sha
not be prevented from going to
Temple, that Veerunah should be
made acquainted with the p
of this order - and that he sh
should look to it being properly
carried out.

ordered to pay the Darasa
to Veerunah only in compliance
Orders but never consented
to law ledge them as their
own nor went worship in
the temple.

But Veerunah having not
paid to Chennappa Dikshatta
arrears of pay, on the Complaint
the latter, the question of collecting
the Darasa against Nuro Gowda
Agency having been mooted, the
Superintendent ordered not to inter- No. 522 of 7/Feb. 1877
fere in the matter.

27 About the year 1880 Chennappa
Dikshatta stopped the daily worship
in the temple and himself and
his brother Anjinadeva complained
that one Channachari of Mysore
had polluted the temple by throwing
boiled rice on the altar (Balepeeta)
and that the requisite amount of
money should be recovered from
the Offender to meet the Expenses
of Samprokshane ceremony. This
Complaint having been brought to the
notice of the Dy. Comr of Hassan,
Chennappa Dikshatta was ordered No. 10 of 5-2-82
not to stop the worship in the
temple and to perform the

"Summary of the
28 The dispute having
between the Contending parties
out any abatement on the
two Sivanadiar the late
dated
23rd April 1886 — Dy Officer of Court (Vacation)
order — the following effect
That the Question of Pajah
had long ago been settled
in favour of Veerumah
that he would not reopen the
subject again
That from all the orders
that had been passed in
Veerumah's favour the (Sub
Dy Officer) was convinced —
that the Pujahs ought also
belonged to him —
3 That Chanmapillai Dissanayake
was not entitled to the Office
Succession the late Arachchi
Kapuruppa the Dissanayake
had died without heirs
That Podda Appuhamy and his Partizans had like
wise no right to interfere
in the matter and the
celebration of the Castle by
Appuhamy Parties was merely
an act of Charity
That under the circumstances, as it was clear that
the Temple was entire

management of the Temples
Viz. Veerumahs Son
Vale should also be related
to Office of Pujaris and Mat,
as well as Vemmappa Pusharlu
being to comply with this order
Amildar must enforce the
same in presence of the Panchayatdars
reading the disputing parties to
arrive these claims established in
a Civil Court:

6 And that the question of collecting
the Savaye remained from the
Panchalas, in addition to the
Hereditary Cess could be
had settled either by referring
the Subject to the Queen
Superintendent or by obtaining
the orders of Government.

In compliance to the above
order the Amildar, on the 11th
of May last, put Marianah in
possession of the temple and
all the property belonging to it,
excluding the Queens land also.

Under these circumstances
the parties concerned have
appealed to this Office

sated. The amt was
granted & Enquiries
to dispatch with a
warrant and decide
on, and the decision
amts was made &
depends the Date
that Case under what
the Bengal Affairs was
managed. It was under
the old state, & thus many
of the disputes connected
with this very temple
was summarily disposed
of on the Revenue side.
This was especially the
case in regard to all
temples under the Management
of the Bengal Govt
From quite in favor of
Rescinding the Grants
granted above and the
old practice and leaving
disputes of this Kind to
the ordinary Civil Cts
Regulation Civil Cts & the
question with
question of suspension and
as this appeal may come here
for decision I w'd Refer
this file to Mr Thomas for final order
27 I. 91. [illegible]

The case is entirely
of a Civil nature
I w'd have the following
answer given
8 June 1891 No 414

Mr Shaw established
her right in Civil
Courts. The Govt declines
to interfere on her
behalf. —
[illegible]
Pl 24/1 91 20/11/91.

No doubt claims of this
nature should properly be
opened in the Civil Cts,
but, by a Circular order
issued in 1854 (vide Collr & Cir Govt
Circ Cts, page 67) the
institution of suits for Dayas
rights in the Courts was

Replies of the Dewan Bahadur R

Since when the Brahmin family has been officiating?

It would appear from the that during Dewan Purnyal the Pujaris was a Brahmin - that the family of one Ra Dikshita has been officiating from about the year - 1838. (vide paras 5 and 8 of the accompanying memo).

II What the wishes of the Panchalas are?

The Sivachar Panchalas state that Maximum should go but the Panchalas of the non-sect - who form the majority, wish to have Neeliah as their Yajamaun.

III How Viruppa (a Sivachar) got originally the Yajamaunship of temple?

It can not be from the records how V originally got the Yajam of the Temple, but he was declared Yajamaun by the late Chief Commissioner in 1861. (vide paras 4, 8 and 17 of the memo).

No. 398 (5)

Mysore Dewan's Office,

PETITION DEPARTMENT.

Official Memorandum.

The accompanying Petition No. 1695, dated 15th Aug. 1886 received at the Dewan's Office from Venkata Cherri and others of Kasaba Nagamangala

is forwarded, together with its ——— enclosures, to the Deputy Commissioner, Mysore District, for report

From the Tahsildar, No 4

BANGALORE, 25th August 1886.

Draft

By Order,

For chief Secretary.

Mysore Government Press, Bangalore.—7-9-85.—2,000.

No. 399 (4)

Mysore Dewan's Office,

PETITION DEPARTMENT.

Official Memorandum.

The accompanying Petition No. 1667, dated 15th Aug: 1886 received at the Dewan's Office from Chennapanya Deekshita of Kasal Nagamangla

is forwarded, ~~together with~~ its — enclosures, to the Deputy Commissioner: Mysore Dist, in continuation of former Petition

BANGALORE, 25 August 1886.

Draft

By Order,

for Chief Secretary.

Mysore Government Press, Bangalore.—7-9-85.—2,000.

From Dist Comm Mys 24 Aug 1886

(General Serial No. 29.)

4310

1886.

218

From The Dy: Commissioner Mysore District.

To

Chief
The Secretary to the Dewan
of Mysore.

Dated 31st August 1886.

Despatched

Received

Enclosures No. 7 Files

General No. 383 } 1886—87.
No.

His docket no: 304 dated 27 July 1886.

I has the honor to forward herewith 6 files of Papers together with the enclosure of the docket underref received from the Sub Division Officer, as co therein called for

Dy Commissioner
Mysore Dist.

W.E.N.

Repd

679

679

(General Serial No. 29.)

From 1886 4664
The Deputy Commissioner
Mysore District

To Chief Dewan
The Secretary to the ~~Chief Commissioner~~
of Mysore, Department.

Dated 15th
Despatched } September
Received

Enclosures No. 2

General No. 424 } 1886–87.
No.

His Memo Nos: 398 and 399
dated 25th August 1886.

—"—

In returning the enclosures
of the above, beg to state
that the Vernacular pro-
ceedings connected with
the Archick of Sreekanta
Ammanavaroo at
Nagamangala, were
submitted with this office
No: 383 (4310) of 31st ultimo, as
called for in his No 304
of 27th July 1886

for Dy Commissioner.
2/11 Mysore

Entered with the file 29/1

8319

eral Serial No. 30.) 8

1889.

From The Asst to the Resident in Mysore

To

Rcd 4/2/89

Dated 28/1/89

Despatched

Received

Enclosures No. 2

General No. 286

No. 629

For J's disposal

Petition d/ 10th January 89 from Chennappanja Setti — Shista of Nagamangala praying for the restoration to him of the office of Pujari of the temple of Kalikamma in the said Taluk

No. 286/629

From

The ASSISTANT to the RESIDENT in MYSORE.

To

The DEWAN of MYSORE.

Dated Bangalore, 25th January 188 9.

Sir,

I am directed to forward, for disposal, the accompanying petition dated 10th January 188 9, from Chennapa Diksita of Nagamangala praying the restoration to him of the office of "Bujari" of the temple of "Kalikamma" in the said Town.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Resident.

OFFICE
156
15/1/13

[illegible]

(9)

No. 226. R

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petitions Nos 8 20 & 82 Camp Read

dated 12th Decr 91 received at the

Dewan's Office from Jinnalhari,

Kalalhari and others

Kesaba Nagamangala

forwarded, together with its their enclosures, to the Deputy Commissioner, Mysore District for report of the circumstances under which Mayana a Sivalhar was appointed to the office of Pujari of the Kalamma temple at Nagamangala

To the Amildar No 289 dt 11/12/92
Huns No. 1680 14/12/92
Ist Grade Amildar No. 1954 15/12/92
Huns No. 1700 16/12/92

By Order,

Draft letter 15

Chief Secretary.

BANGALORE,
15 Dec 1891.
25

1892.

To the same No. 14330 dy 15/12/92
From the same No. 387 dy 21/12/92

From

The Chief Secretary to the
Dewan of Mysore.

To

The Dy Commr
Mysore Distt.

Dated 11th

Despatched 20 Feby '92

Received

Enclosures No.

General No.
P No. 289 Re.
memo
This Office No. 226 dated 15
Decr 1891 calling for a
report on Petitions Nos 820 & 82
of 12th Decr 91 from Jinna Cha
Venkata Chari and others of
Kasaba Kaganmangala

~~and subsequent reminder marginally noted~~

Has the honor to draw attention to the above and to request an early reply

"By Order"

Draft.

Mrk 10/2
Under-Secretary.

1892.

From The Chief Secretary to the Dewan of Mysore.

To The Deputy Commr Mysore Dist

Dated

Despatched 15 March/92

Received

From Resume No. 1140 dy 21/3/92

Enclosures No.

General No. 14330 R.
No. 354.

Memo
This Office No. 226 dated 18th Decr 1891 calling for report on Sahukars C. No. 182 of 1891 & 12th Decr/91 from Jiwna Chari, Venkatachari and Mess of Kasuba Nagamangla

and subsequent reminder marginally noted

Has the honor to draw attention to the above and to request an early reply

"By Order"

Asst Under-Secretary.

Mr Deputy
Mch 23/92

Rbtd
Vide Ref. slip
& remarks thereon
N
1/Judge

(General Serial No. 30.)

OFFICE OF THE
12856
23 MAR. 92
P. 106
DEWAN OF MY

189

From

DEPUTY COMMI
MYSORE
DISTRICT

To

The Chief Secretary to the Dewan of Mysore

Dated 21st
Despatched 23 March.
Received

Enclosures No. nil

General No. 1140
No.

With reference to his memo no: 226 dated 26 December last forwarding for report petition of Jinna chari and others of Kadba Nazamangla, has the honor to state that the records connected with the appointment of Poojari of the Kalamma Temple was submitted to Government with this office no: 388 dated 31st August 188 and that no final orders have been

received on the Subject.

Krishnayya
M D Commissioner
Mysore District.

(General Serial No. 30.)

1892.

From The Chief Secretary to the Dewan of Pudukkottai

To The Registrar, Chief Court

Dated 28
Despatched 29 April 1892
Received

Enclosures No.

General No. 1614
P. No 9

Has the honor to request that the Registrar will be good enough to forward to this office for reference a Copy of the decision which the Hon'ble Bench of the Chief Court has been pleased to pass on the question whether or not Civil Courts have jurisdiction to entertain suits concerning Puja rights

By order,

Draft

Chief Secretary

1819

(General Serial No. 30).

1892.

Form No. Registrar of the Chief Court of Mysore

To The Chief Secretary to the Govern of Mysore

Dated 12
Despatched 13 } May/92
Received

Enclosures No. 1

General No. 2286
No. 71

Referring to his No 161 dated 28 ultimo, forwa copy of Judgments in No 6 of 1891 on the file the Chief Court.

OFFICE OF THE MUZRAI BRANCH DEWAN OF MYSORE

161

O. M. No 37 dt 12/6/92

Submitted to His Hon secretary with refs.

17/5/92

The Enclosure file is transfer to the Muzrai Se

for Huzur

Rhandarkar

Central Jail Press, Bangalore—14-S-91—3.703.

No. 915 dt 15/6/92 16-5-92

W 2286
71

Bangalore
12th/13 May 1892

Encl: 1

From,

The Registrar of the
Chief Court of Mysore

To,

The Chief Secretary
to the Diwan of Mysore

Sir,

With reference to your no: 16.
dated 28th Ultimo, I am directed to
forward copy of Judgment in Appeal no:
of 1891 on the file of this Court.

I have the honor to be
Sir,
your most obedient Servt

S Ramayya
Registrar.

nlm

In the Chief Court of Mysore at Bangalore
Monday the 17th day of August 1891

Present

T. R. A. Thumboo Chetty Esquire, Chief Judge
A. Ramachandra Iyer Esquire, Judge
and
P. N. Krishna Murti Esquire, Judge

Appeal No. 6 of 1891

Yeera Verma — Appellant (Plaintiff)

Vs

1. Thimma
2. Venkata
3. Putta
4. Arasa
5. Gangah
6. Arasa

— Respondents (Defendants)

Appeal against the decree of the Munsiff of Nelamangala in Original Suit No. 164 of 1890.

This appeal coming on for hearing before a Full Bench on Monday the 15th day of June 1891, the Court pronounced the following

Order

P. N. Krishna Murti Esquire — In this case the questions submitted for the decision of the Full Bench are

1. Whether the suit for a declaration regarding and possession of Pujari haq in a Temple enjoying a Government Inam is cognizable by a Civil Court.
2. And if, in such a matter, an order has been passed by His Highness the Maharaja's Council, which is in fact an order of Government, what is its effect upon the jurisdiction of Civil Courts in such matters.

The facts of the case are as follows:—

The parties are cousins being the descendants
the same ancestor. The family enjoys the right of Pujaries
e Temple dedicated to Pattalamma in the Village of
dda Heijaji of the Doddaballapur Taluq. The Temple
eives Kanikkes or fees from devotees, and a land has
n also given to it as Inam by Government for its sup-
rt. The present plaint is to obtain the possession of
e Temple to carry on his turn of the Puja according
a settlement made forty years ago and for a portion
the Inam land, of which the Plaintiff has been
t out by the Defendants. In connection with the
me case a dispute arose be en these parties, and
timately the Council of His ness the Maharaja
in other words the Governm of Mysore threw out
appeal by the present P tiff and others against
Kata, one of the present Defendants, in the fol
owing words:—

"Under these circumstances the division
the land cannot be permitted and the Government
n only recognize the Pujari actually performing
e duties as the person entitled to enjoy the Inam
tached to the Temple" (Exhibit 5).

Regarding the first question, I am clearly
opinion that the subject-matter of this suit lies within
e cognizance of Civil Courts. Section 11 of the Civil Proce
ure Code now in force in this State, imposes on Civil
urts the duty of taking cognizance of all suits of a
il nature, except those which are excepted by any
nactment for the time being in force. The explanation
ppended to this section makes it clear that a suit in
hich the right to property or to an office is contested

is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies. There can, under this explanation, be no doubt that the right to succeed to the office of Pujari is a civil right as such office has annexed to it the income derivable from Kanike and attached to it. In the cases quoted by the Lower Court, M.L.R.V 160. M.L.R. VIII 81, suits involving such rights have been decided by the civil courts. Both by express enactment and the precedents founded upon them, there is no room for a contention that the right is not a civil right, or that it does not fall within the cognizance of civil courts. There is no evidence in this case that this Temple is in the management of the Muzrai Department. The Government in this case interfered only to resume a Temple and restore it to the Pujari under the Notification of Government dated the 17th November 1877 (80 Manual) They do not seem to have taken any part either in the nomination or the appointment of the present Pujari. There is no enactment taking away from the jurisdiction of civil courts questions of rights between hereditary servants in the Muzrai institutions and the question need not be decided in this case as it does not arise.

If then it is a civil right which is involved in this suit, the proper tribunal to take cognizance of it is a properly established court of civil Jurisdiction, unless there is an express enactment removing such jurisdiction from such court and vesting it in other. I have also the authority of a case decided by Mr. Sanford and reported at page 126 of I Mysore Law Reports to say that "in order to take away such jurisdiction,

these must be shown, in the absence of any principle of law which bars the suit, some positive rule of law or some command of equal authority with rule of law which gave the jurisdiction." The present law giving the jurisdiction being a Regulation duly passed by His Highness, what is requisite to withdraw such jurisdiction must be a command of the same High Authority. No such rule or enactment has been pleaded and Section 221 of the Land Revenue Code does not, in my opinion, apply to such a case. Land Inam Rules of the 14th December 1867 which are still in force in Mysore with a few amendments which do not affect their present application, make a distinction between "grants and endowments made for the support of religious and charitable institutions, and for the maintenance of persons therein rendering services," and "Village Service Inams." So that it is apparent that the term Officers referred to in the Land Revenue Code does not comprise those who are entitled to perform the Puja in the Temple. There is not even proof in this case that this Inam was granted to perform any particular service in the Temple. The Inam title deed filed in the record shows that the Inam is registered in the name of the Temple for its support. There is no proof on the record to show that these Pujaries are hereditary Officers appointed by Government. On the other hand, the quotation from the order of His Highness' Government shows clearly that it only recognizes the Pujari actually performing the duties and does not lay claim to appoint or nominate the Pujaries. It should not be overlooked in this case that this Temple receives other Kanikes which do not rest either for their origin or their continuance on any order or act of Government. The Land Inam is only a Supplemental endowment granted by Government and the simple fact that there is such an endowment

is

is not, in my opinion, sufficient to reduce the interest or right which this family has in this Temple to what is possessed by an ordinary hereditary Officer. All these views of the case are inconsistent with the contention that Section 221 of the Land Revenue Code applies to them. My finding of this question is that the jurisdiction of a Civil Court has not been taken away by this enactment.

This Court has held that the late Commissioner's Notification of the 9th September 1895 has the force of law in Mysore (See Appeal Suits Nos 110 and 115 of 1884) This has not been repealed by the Land Revenue Code and the force which it had obtained before the passing of that Regulation still continues. The prohibition therein contained refers only to hereditary Village Offices and I have already shown by reference to the Land Inam Rules of 1867 that, in this expression, is not included Temple Inams and such Pujaries as are concerned in this suit.

It is a recognized principle of the law of construction that the Legislature does not take away an existing jurisdiction, except in express terms. As already shown, there are instances of this Court having decided such suits. It has been also made clear that the Land Revenue Code does not in express terms apply to such cases. The conclusion necessarily follows that the jurisdiction, which heretofore existed and which has not been taken away, continues, and this is my answer to the 1st question.

With regard to the decision of the Council of His Highness, which has the power to act and acts as Government in such matters, I fail to see how it can affect the jurisdiction of Civil Courts. If it

Cas—

can be shown that that authority has a jurisdiction in such matters, it cannot be exclusive for the reasons already given, as the jurisdiction of Civil Courts still continues. It can only be concurrent. There is nothing to show that it has such a jurisdiction even, but if it has, its decision can at the most only be pleaded as a bar to a fresh adjudication under Section 13 of the Civil Procedure Code. The constitution of this Council is declared in the following words which His Highness the Maharajah was pleased to proclaim on his accession to the Government of this country:—

"We have further resolved that a Council shall be formed × × and it shall be the duty of the Members of the said Council to submit for our consideration their opinions on all questions" relating to certain specified matters. This proclamation does not give the Council any power to decide any matter. Some Rules were made on the 8th July 1881 for the guidance of this Council and they contain no provision for any decision being pronounced by it so as to bind parties litigating with one another. These Rules were supplemented by others on the 17th May 1884 which, for the first time, conferred upon a committee of two members of Council, the power which the Government had to decide a few matters in dispute. The first relates to claims to hereditary Mauroosi Appointments. I have already shown that the order of the Council filed as Exhibit V in this case seems to indicate that the Council recognized the Officiating Pujari in this case as entitled to enjoy the land and did not appoint him. The institution has not been shown to be a Mauroosi institution, even if it could be regarded that the servants of such institution are liable to be treated by Government, must as servants of any other Department of the State.

The

The other matters relate to the Land Revenue Code and this Pujari dispute does not fall within its provisions. For these reasons, the decision referred to can only be looked upon as a direction for the guidance of Revenue Officers, or as a confirmation by Government of the action taken by them. It can not either oust the existing jurisdiction, or be pleaded in bar of an adjudication by the Civil Court of the disputed civil right.

The Chief Judge — It seems to me that this suit, in so far as it is sought to establish Plaintiff's right to perform the Puja by turns in Patalamma's Temple and to restrain Defendants from interfering with Plaintiff performing the Puja and receiving the perquisites &c: from devotees and others, is cognizable by the Civil Courts. It is not a temple under the management of the Government Muzrai Department, the Pujari is not appointed by Government, nor has the Government any control over the affairs of the temple. The dispute, moreover, is between Plaintiff and Defendants who are cousins and the Government cannot adjudicate upon the relative merits of the claims of the parties. The right claimed by Plaintiff is purely a civil right, and the jurisdiction of the Civil Courts is not barred by the Mysore Land Revenue Code 1888, or by any other Law or Regulation. But it is stated in plaint that Plaintiff is entitled to recover a sixth share out of the Inam land granted to the Temple by Government. It is only in regard to this portion of the Plaintiff's claim the question of jurisdiction arises. The Inam land was granted for the benefit of the temple. No alienation or division is allowed by the Rules of 17th November 1877. Power is given to Government to resume such Inams in cases of alienation. The decision of Government (Exhibit V) shows that, no an attempt was made

to divide this inam, it was resumed by Government and restored to the temple and 2nd Defendant Venkata the Pujari was allowed to enjoy it. In the same order it is distinctly stated, that Government would not permit the division of the inam land but would only recognize the Pujari, actually performing the duties, as the person entitled to enjoy the inam attached to the temple. This inam is a grant of land revenue within the meaning of Act XXIII of 1871, the provisions of which are saved by Section 220 of the Mysore Land Revenue Code. Section 4 of the Act prohibits Civil Courts from entertaining this suit, in so far as it relates to the inam, without the permission or certificate of the Collector or Deputy Commissioner obtained under Section 6. No such permission has been obtained. Plaintiff had already preferred his claim to the Deputy Commissioner — under Section 5, which was disallowed both by the Deputy Commissioner and Government the Civil Courts have, therefore, no jurisdiction to question the propriety or legality of the order passed by Government.

Barring the claim as to the inam land, the rest of the Plaintiff's claim is cognizable by Civil Courts. The claim in regard to the inam must be dismissed, and the suit, in other respects, disposed of on the merits.

2. Ramachandra Iyer Esquire — I think that we are bound to make a distinction between the claim for a share of the Inam land and the claim to perform the office of a Pujari. The Plaintiff's Advocate has not invited my attention to any regulation or usage of the country which entitles him to sue for a division of Inam land. The land, which is an endowment of the temple and which is at the disposal of Government, ought not to be divided by

by a decree of a court. At all events, no decree ought to be made behind the back of the government. I think that the suit, so far as it seeks for division of the land, is not maintainable.

The right to perform Puja in the temple is a separate and distinct right, and there is no provision of law which prevents a court from making an adjudication on it. The record does not show that the temple is a Government institution managed by the Inspector Department. That being so, the question does not arise whether a Civil Court has power to entertain a suit for establishing a hereditary right to an office in a temple managed by Government. The right claimed by the plaintiff is a Civil right as explained in the Code of Civil Procedure and a Civil Court has power to take cognizance of the suit.

The appeal will be remitted to the Division Bench for a decision on the merits of the case.

Friday the 4th day of September 1891

Present

A. Ramachandra Iyer Esquire, Judge

and

P. R. Krishna Murti Esquire, Judge

Judgment

The point for determination is whether there was sufficient evidence to establish the right claimed by the plaintiff, viz; the right to worship for four years once in 16 years.

When he was examined as his first witness, he deposed that the agreement alleged in the plaint was made more than twenty years ago, that, in pursuance of it, he performed worship on two occasions,

and

nd that four years ago, when it was his third turn to wor
ship in the Pagoda, the second Defendant unlawfully
terrupted him.

When the matter was pending before
he Muzroi Officer, the Plaintiff deposed that the agree
ment was to the effect that each co-parcener was to wor
ship in the temple for a period of ten years. When
his statement was read to him and he was required to
econcile it with the allegation made in the plaint and
he evidence given by him, he stated that each co-par
ener would have his turn in about 10 years, and that
here was no material discrepancy at all. If the agreement
ow alleged was true, he would have his turn once in
ixteen years and not in ten years. Besides, it is obvious
rom his statement that, when he mentioned ten years,
e had in mind the duration of each one's turn, and
ot the period after which the turn would recur.

The fourth witness deposed that twenty
ears ago, each parcener worshipped for ten years in
is turn, and that an agreement was subsequently made,
educing the term to five years. The sixth witness deposed that
ach one worshipped in his turn for two or three years.
he evidence of the tenth witness was to the effect that
ach parcener worshipped in his turn for one year only.

When we consider the contradictory state
ments made by the witnesses and the contradictory, state -
nents made by the Plaintiff himself, we are of opinion that
he evidence is not of much value.

If the Plaintiff's case was true, fourth
nd fifth and sixth Defendants had as much right as he
laimed to the temple in question. Their evidence would
ave thrown light upon the point, and it is surprising
indeed that they were not examined.

The admission made by the Plaintiff
efore the Muzroi Officer was to the effect, that the

first

first Defendant returned to the Village about thirty years ago, that he claimed the puja right, that fourth Defendant's father was then performing puja, that the Villagers appointed the 1st Defendant to make puja, that he was pujari for about 20 years, and that the second Defendant has been performing puja since. This statement completely disproves the case now set up by Plaintiff and his friends. It is clear that the 1st Defendant has been exclusively doing puja since 30 or 35 years, and there is nothing to show that the other Members claimed any right or that their claims were recognized.

We confirm the Munsiff's decree and dismiss the appeal with costs.

In conclusion, we wish to add that the Munsiff was wrong in admitting in evidence reports submitted by the Amildar to the Mayoi Officer, and Maharzars submitted and statements made by third parties to the Amildar or Sheristdar. The opinion expressed by the Amildar upon the claims and counter-claims made by the parties was not a relevant piece of evidence for the adjudication of the right claimed in the suit, and Maharzars prepared and opinions expressed by third parties were inadmissible. If the men, who had expressed any opinion or who had affixed their signatures to the Maharzars, were in a position to depose to relevant facts, they ought to have been examined as witnesses.

A true copy

S Ramaswamy Iyer

Registrar

DAT- 28 6-92

(General Serial No: 32.)

OFFICE OF THE 544 M' BRANCH DEWAN OF MYSORE

1 Petitions 189

No. 358/3170

Name of Petitioner. Cheruvalliah Dis

Village. Kasaba Nagamangala

Taluk. Nagamangala

District. Mysore

Date of Arzi. 13th Decr/92

Date of Receipt. 25-5-93

Date of Disposal.

No. of Enclosures. "

ABSTRACT.

Reminder to previous petition appealing against the order of Sub-Division Officer, Pandavapura discharging petitioner from hereditary Office of Archaka Kalikamma's temple, Nagamangala, and the appointment of one Goldsmith Nanjaiah for that place.

Official Memo No. Pol 1546 dt.

Transferred to the Minister Secretary

"By order"

(Sd/) T. Anandarao
Chief Secr

"Copy"

(Mr Narain Rao)
Do Chief Secretary

Refer Arzi 2/8/93

Vide No 915 dt 15/4/95

Petr Chennappaiya
Dikshit, Archik of
Sri Kalika temple of
Kasba Nagamangala
complains against
the order of Sub Dr
Tirumalacharlu Rajah
Sub Dr Officer of French
Docks, Cancelling his
appointment of Archik
in the temple and
appointing, instead, one Maria
Chari, son of Veera
Chari, a goldsmith.

Abstracted

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
CAMP Mysore
REG'D. No. 358
DATE 27-5-93

3170
31-5-93

No. 1186.

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No 2307
dated 6th March 93 received in the
Dewan's Office from Channappa Dik-
shita Archik of Kalikamma
temple, Nagamangla Kasaba
praying for early orders
on his appeal regarding
the archakship of the said temp
is forwarded, ~~together with its~~
~~enclosures~~, to the Muzrai Superin-
tendent, with reference to
previous petitions transferred
to him with order No 37 dated
6/13 June 1892.

By Order,

Chief Secretary.

BANGALORE, 18th
March 1893.

M. G. C. P. Bks.

Ex. No 915 8/15/4/95
87-94

MYSORE
PETITION

DATE

Read:-

Appeal petition No. 133
dated the 23rd July 1886 fro
one Chennakiah, archak of t
Kalikamma's temple at Kasb
Nagamangala against the
French Rocks Sub-division Offic
Order dated 23rd April 1886 re
-moving the petitioner from
Pujarishipp of the temple an
Conferring it on one Mariann
a mem ber of the Lingayet Communi

Read also:-

Petition No. 1623 dated 6
August 1886 from one Doddaneel
of Nagamangala praying the
the Yejamanship of the Kalikam
temple may be conferred on him

Read:-

Petition No. 1919 dated 4
September 1886, from one Marian
of Nagamangala praying the
his "Hak" both to the Yejama
-ship and the Pujarishipp of
temple maybe recognised.

No: 915 of 15.4.95
Mun 737-94 16
En 6 files

Order thereon.

From the record
of the case, it is observed the

The temple of Kali Kamma in Kasaba Nagamangala has but a small inam land and it is chiefly maintained by contributions from the local Panchala or goldsmith community which is divided into 2 factions,— the Lingayets and the non-Lingayets of whom the latter form a large majority.

2 There has been a dispute between the rival factions about the right to the Yejamanship of the temple ~~(the local Yejamans of the Lingayet community also claimed the temple Pujarishipp;~~ but this claim was all along opposed by a Brahmin Pujari to the Pujarishipp. These disputes date from 1834 and different orders have been passed from time to time.

One Veeramma, a member of the had been contending for the ... to the Yejamanship as also to the in question; Veeramma having petitioner Marramma now clai

3. As regards the Pujarishipp of the temple, it is beyond doubt that the office has been held by a Brahmin even since the days of Dewan Purniah and the appeal petitioner Chennapiah, a Brahmin has been performing the services in the temple, till removed from the office by the Sub division officer's order now under appeal.

Further, the claim of the ~~Lingayet~~ Veerannah Yejamans to the Pujarishipof the temple has never been conceded by any competent authority as will be observed from an order dated 16th May 1867 passed on the subject by the late Chief Commissioner C. B. Saunders. Under these circumstances, the order of the Sub-division Officer transferring the Pujari 'Hak' from the Brahmin Chennapiah to the Lingayet Marianna cannot be upheld. It is accordingly set aside. The Brahmin Pujari will be reinstated in the Office forthwith and placed in possession of the temple & its inam lands.

As regards the Yejamanship, it cannot be definitely ascertained when and under what circumstances the Office first came to existence. The non-Lingayets who form the majority of the Panchala residents of Naganangal are entirely against a Lingayet being nominated Yejaman. But whatever it be as regards their respective rights to choose their own men to preside as Yejamans at their caste meetings there appears no necessity whatever for the appointment of an Yejaman to the temple. The Office is therefore abolished so far as the temple is concerned.

Asst. Commr.

...get Community ...e of his claims ...ship of the Temple ...his son the ...the Office to himself

---

The Dy. Comm^r. Mysore Distt, returning the Verm: records

Endorsement & Petitioner

With reference to
dated 14th May 1894 recorded
I proceeded to Nagamangala
instant instituted enquiries a
long contested Suit to the Puja
Yejamanike of the Kalikamma T
presence of the parties concerned
assembled for the purpose in the
2. The petitioner Dodda N
dead and his son Chinniah Chari
Yejamanship of the Temple.
3. In Nagamangala the non-
Panchala houses number 19, while those
opposite faction - Lingayet Panch
number only 2. The former who
majority have no objection wha
to the Puja in the Temple being
by a Brahmin provided he
agreeably to their wishes in respe
regular worship at appointed
On the other hand they are stron
opposed to the Pujari being a
especially as the two sects differ very
in religious observances and
customs. Further, the Temple has
along been supported mainly by
non-Lingayet Panchalas who are
anxious ~~[illegible]~~ to improve
Temple ~~[illegible]~~. It seems therefore
hard to deprive them of the benefits
of the Temple which will cease to be
worshipped by them in case a Lingayet
should be appointed to the Pujariship.
4. Under these circumstances
the order drafted overleaf ~~[illegible]~~
by the Dewan Bahadur will be issued.

13-4-94

The above order
of the Dewan Bahadur
in pencil is copied
below in ink -

I have no objection
to this order issuing, if
according to the existing
real condition of affairs, the
Superintendent finds it desirable.

14 5.94. K.S.
(Initialed)

Gen. Serial No. 50.]

1895

From MUZARAI.

To The Hon'ble Superintendent

Dated 25

Despatched 26 July 95

Received

Enclosures No.

General No. 122

Muzarai F. No. 37-94

Govt Pro. 915

Muz 737-94

15th April 1895 Passing order on the above dispute between the Pujari & Ysthanikas of the Kalikambal temple in Kanaba Nagapattinam.

Has the honour to request that the

From the Same No 366 of 13/9/95

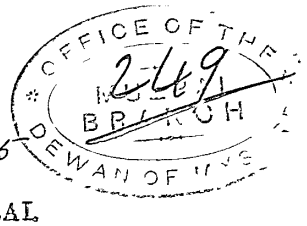
Ver. words of the case
which were rel^d to
the Plan^s. with the
pet^n Pro. cited above,
may be sent back
to this Office for
reference in con-
nection with a
pet^n Since received
from Makiamma
of Wapemampala praying
for a reconsideration
of the Order conveyed
in the Pro. above
referred to.

2. Makiamma's
Review pet^n No
3181 of 28th June 1895
is also forwarded
herewith to the Plan^s.
for favor of a
detailed report thereon

Post order

D.

Gen. Serial No. 30.]



1895

MUZARAI.

From The Deputy Commissioner
Mysore District

To The Inwrai Secretary

Dated 13th September 1895

Despatched

Received 16/9

Enclosures No. 7 files

~~General~~ No. 366
~~Muzarai D.~~ No.

Forwarding the vernacular records connected with the dispute about the Pujari and Vejamanike Hak of the Kalikamma temple in Nagamangala

16.9.95

To the Same no 1082 of 11/2/98

No. 900

Enclosures No. Nine files of vernacular papers with Heriot.

21/16/1895

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 13th September 1895.

From

The Deputy Commissioner,
of the Mysore District.

To

The

Secretary to the Government
of Mysore
Revenue Department

SIR,

I have the honor to forward the Vernacular records connected with the dispute about the Pujare and Pujamanike Hak of the Kalikamma temple in Nagamangala as called for in your docket no 122 dated the 25th July 1895.- 3794

I have the honor to be
Sir
Your most obedient Servant
[signature]
Dy Commissioner
of the Mysore District

1695

OFFICE OF THE DEWAN OF MYSORE
MUZRAI BRANCH

Gen. Serial No. 32.]

1895

OFFICE OF THE DEWAN OF MYSORE
MUZRAI BRANCH

Transferred to the Muzarai Secretary by order
8 May 1895 — M Narain Rao
Under Secretary

No. 3181

Name of Petitioner. Ramanna Reddi

Village. ?

Taluk. ? Ramanagudda

District. Mysore

Date of Arzi. 28-5-95

Date of Receipt. 28-5-95

Date of Disposal

No. of Enclosures. 6

This review may be posted before 27 for hearing before the Commissioner.
27/7/96

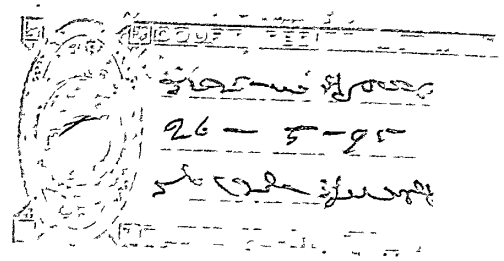
Posted 6/13th August 1896 Thursday
Notice & issue
27/7

Notices issued
Aug 27/7.

ABSTRACT.

Review application

Prays that the order of Asst. in Rev. No 915 of 15-4-96 Muzy 7 37-96 may be reconsidered and revised on the grounds urged. and that order of the French Rocks Sub Officer of 23-4-86 may be



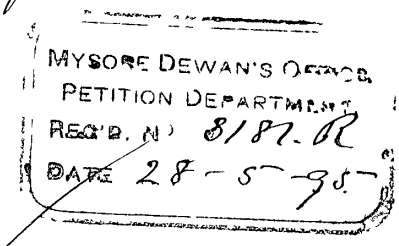
Two rupees Stamp. affd

Presented by
W. Chelvangood
advocate

In the Court of the Dewan fully

Petition No: of 1894-95.

Petitioner:- Mariyamma
of Panchala caste
residing in Nagamangala Tal
Mysore District.



The humble Petition of
the aforesaid Mariyamma
Most Respectfully sheweth:—

1 That there is a temple of Kali
in Nagamangala, whose dev
are members of the Panchala a
goldsmith community

2 That from time immemorial
your Petitioner and her ances
who are Panchalas, have bee
the worshippers of the said Deit
and the Gejamans of the said
temple.

3 That there was a contention a
the Gejamanship so far back as

and that there was a Decree passed by the Collector of Salem on the 10th of January 1835 recognizing the right of the Petitioner's father and his descendants.

4 That one Ramarazza Brahmin who was worshipping the said Deity in or about the year 1838 under the order of the Petitioner's father brought a suit against the latter for wages for having performed the worship of the Deity, and that the said proceedings terminated in favour of your Petitioner's father, as per decree of the Superintendent of Ashtagram Division in S. Aro: 5 of 1845 dated the 30th June 1846.

5 That subsequent to the date of the aforesaid Decree Your Petitioner's father displeased with the services of the said Ramarazza, and continued as the sole worshipper and manager in enjoyment of the temple lands until the year 1853.

6. That in or about the year 1853, the said Ramarazza caused obstruction to the enjoyment of the temple lands by

Your Petitioner's father, ass
filed a suit against the Cri
in the Taluq Court of Kapurm
for the establishment of the
right to perform the worship of
the Deity

7. That the Superintendent of
Ashtapram Dicisson, on a perus
of the records connected with the
case directed the dismissal of
the suit filed by the said Ramaya
and the removal of the obstructions
caused by him; and also ordere
the delivery of the produce which
had been kept in Amanath in
the Revis by your Petitioner's fa
as the Huckdar poojary, as
her order dated the 30th September
the copy of which has been here
annexed. 1853

That in accordance with the
said order the produce of the
land was delivered to your Petitione
father, and that he continued
to enjoy the lands, and worship the
Deity, and to manage all the
affairs of the temple as the

Poojare and Yejaman

9. That by the aforesaid order of the Superintendent of Kalsapara Division, the said Ramayya, who set up his own right to the worship of the Deity was finally dismissed; and that the right of the Petitioner's father to the performance of the worship & the management of the temple affairs was publicly recognized and affirmed.

10. That your Petitioner's father remained in undisturbed possession and enjoyment of his rights up to the year 1857, when one Neelayya a Kulachar goldsmith was instigated by the aforesaid Brahmin Ramayya to put forward a title to the pooja hack and the management of the temple affairs.

11. That the then Amildar of Nagamangala set the temple key and the temple lands delivered to the aforesaid Neelayya in a most high handed and summary manner per order dated 11th June 1857, the copy of which has been herewith

12. That when this matter was
brought to the notice of the
Superintendent of Wicklow
Division, the said Officer quest
the Auni Cdar of setting aman angala
(as per order Dated 29th September 18
the Copy of which has been here to
annexed) as to whether there could
be a further, but as to
a matter which had been
decided on a number of occasi
in favour of your Petitioner's fa
13. That subsequently the matte
went up before the Chief Comm
the late Sir Mark Cubbon
who by his order Dated the 2
Febuary 1861 finally ruled a
the said Neelagga and in favo
of your Petitioner's father; and
that this was another, and
most important occasion on
which your Petitioner's father's
right & the performance of
worship of the Deity, and the
management of the temple affa
was finally recognized and
reaffirmed.

That in accordance with the
aforesaid order of the Chief
Commissioner, the Talia Peishkar
Bheema Rao directed the Peishkar
to put the Plaintiff's father in
possession of the temple and its
properties as per order of 1864 - the
copy of which has been here to-
unexpected; and that the Petitioner's
father was accordingly put in
possession of the temple and
its properties in 1864.

That the said Veerayya was
as finally nominated by the order
of the Chief Commissioner said
that the meanwhile appointed
Sathenia Channappayya the Counter
Petitioner herein to perform the worship
in the Deity, as the Archaka
of the said temple to perform the
worship thereof.

That the aforesaid Veerayya
instigated the said Channappayya
to complain to the Authorities about
the Poojary Rights; and that
the District Superintendent of
Police Mr C.B Saunders directed on
the 28th of November 1866 that
matters should revert to the position
in which they were, prior to the
carrying out of the order of

the Fasli Peishkar in 1864.

17 That the said order of the District Superintendent of Hassan virtually ruled the Chennappa should continue as the worshipper of the temple Deity.

18. That the said Chennappa was introduced as worshipper by the said Neelappa, who could not perform the worship himself as he was a Kulachar Goldsmith; that seeing the the Chief Commissioner similarly ruled that Neelappa had no right, Chennappa who was deputed by Neelappa to perform the pooja could have a portion no conceivable right.

19 That your Petitioner's father was poojari and Yejaman who Ramappa Entered for the poojarish

that there was a public recognition
of his right as Poojari of Gojanan
by the Superintendent of Ashtagram
Division on the 30th of November 1853,
the date of the order disturbing
Ramayya's suit; that your Petitioner's
father was summarily deprived
of his right as poojari and Gojanan
by the Talup Amildar of Jetalamanga
on the Complaint of the said
Veeclayya, and that the temple
key and the temple Cards were
delivered over to him; that this
summary order was passed,
and that your Petitioner's father's
right was again recognized
and reaffirmed by the order of
the Chief Commissioner dated
the 27th of February 1861; that
the only natural, just and
legal manner of executing the
order of the Chief Commissioner

was by ousting Neelayya as
any person or persons whom
Neelayya might have in trust
& by putting your Petitioner's
father in possession of the
temple and its properties; that
Peishkar Bheema Rao did nothing
but simple justice when he
directed the temple and its prop
to be delivered over to your Peti
father; that the reversal of
the order of Peishkar Bheema
Rao by the District Superinte
of Hassan was virtually a rever
of the order of the late Chief Comm
Sir Mark Cubbon passed on the
29th of February 1861; and that
this injustice was set right
by the French Rocks Sub
Division Officer on the 28th
April 1886 on a continuous and
repeated representation of the fact
by the Petitioner and his father

20. That from the removal of the

records referred to above, it will be
clear that Chinnappayya can
have no manner of right; that he
is the maternal cousin, and as
such is not even the heir of Ramayya
who Contested for the poojaris hip
and was nonsuited so far back as 1853;
that Chinnappayya was introduced
by Neelayya who was finally nonsuited
in 1861; that the performance of
the worship by a Brahmin is seriously
detrimental to the interests of the
temple and its devotees, who are
all Sozhia Vellalas and can not receive
the holy water &c from the Brahmin
worshipper; and that your Petitioners
father's right to the performance of
the worship and the management of
the affairs of the temple has
been publicly recognized and
affirmed on a number of occasions.
21 That the aforesaid order of the
French Revenue Sub Division Officer
Dated the 28th of April 1886 has
been set aside on the appeal of
Chinnappayya as per Government
Proceedings Dated 15th/16th April 1895
copy of which to be rendered and referred

22. That your Petitioner had notice of the appeal put in by Chennappayya and had therefore no opportunity of being heard with reference to the above documents; and that the appeal was virtually decided Ex parte.

That for the above reasons your Petitioner most respectfully submits that in the interests of justice the Government will be graciously pleased to post this Petition for Hearing & give an opportunity to your Petitioner to produce all the documents on which he relies for the support of his case.

Your Petitioner therefore most respectfully prays that the Government may be pleased to reconsider and review the Proceedings Dated the 15th of April 19 and Confirm the order of the 4th

Recd. the Division Officer

Dated 23rd April 1886

For which act of grace,
your Petitioner as in duty bound
will ever pray.

Bangalore
18th May 1886

IN THE COURT OF THE MUNSIFF OF MYSORE

This 15th day of May 1893.

Before C. B. Seshagiri Row, Esq., Munsiff.

Original Suit No. 565 of 1892.

Plaintiffs.	vs.	Defendants.
1. D. Beeragowda		1. Venkatsubbiah
2. Mara Nanjaygowda		2. Appajiah
3. Chicka Beeragowda		3. Puttaveeriah
4. K. Kalagowda		4. Mancha
5. Maligaygowda		5. Konda Kala
6. Nanjundaygowda		6. Minaka Dassa
7. S. Beeraygowda		7. Kuri Linga
8. Dodda Maligaygowda		8. Chicka Nanjappa
9. Kempaygowda		9. Siddiah
10. Chicka Nanjaygowda		10. Padmasetty
11. Puttaygowda		
12. K. Nanjaygowda		

JUDGMENT.

Suit to have plaintiffs' right established to the office of pujari of Kalabeeramma's temple to restrain defendants from interfering with plaintiffs' rights as pujaries, and for damages rupees 200.

2. The plaint is as follows :—

(1). There are two temples at Kadakola of the Mysore taluk—one of Kalabeeramma and the other of Beeradevaru. These gods are the principal deities of Kurubars. The procession idols of these temples and also of other temples belonging to Kurubars are kept in a building called "Maligamane."

(2). The keys of Kalabeeramma's temple and Maligaymane are with plaintiffs, and they are in possession of these two buildings.

(3). Plaintiffs from time immemorial performed puja in the said temples daily as well as on special occasions, and conducted jathras, &c.

(4). About 9 or 10 months ago the defendants and others, who are non-Kurubars, objected to the parashay and procession of Kala Beeramma and Byradevaru, and complained to the Deputy Commissioner, Amildar and other authorities regarding the same.. But their objection was disallowed and plaintiffs were allowed to perform the same.

(5). Consequently, the defendants out of malice denied plaintiffs' right to the office of pujari of Kala Beeramma, and have prevented them from making puja for the past 6 or 7 months by threatening to commit a riot.

(6). The plaintiffs have consequently sustained very great loss as kappa and kanikay have been withheld by reason of defendants' obstruction.

(7). The defendants have no right to prevent plaintiffs from performing puja. Hence the suit.

(8). As good many persons have joined the defendants' party in denying plaintiffs' right of worship and in obstructing them, and as it is impossible to make all them of parties to the suit, the defendants who are the leading members of their party, have been made parties to the suit, under section 30 of the Code of Civil Procedure.

(9). Prays for judgment, establishing plaintiffs' right to perform puja daily, and on special occasions to Mooladevara of Kalabeeramma in Kalabeeramma's temple and Kalabeeramma and other procession idols in Maligaymane; for perpetual injunction restraining defendants from interfering with such right; and for damages rupees 200 and costs and such other relief as the court may deem proper and reasonable.

3. Defendants 1, 2, 3, 4, 5, and 6 filed the following written statement:—

(1). There is no temple of Kalabeeramma at Kadakola, but there is one dedicated to Kalamma. The Kurubars in order to show that that goddess belongs to them, call it Kalabeeramma in the plaint. This is wrong.

(2). The goddess Kalamma is the goddess of all the villagers.

(3). The plaintiffs are not in possession of Kalamma's temple or of Maligaymane as alleged in the plaint. The suit in its present form is not maintainable.

(4). The allegation that plaintiffs have a right to perform daily puja, puja on special occasions, parshay, jatray, and other processions to goddess Kalamma from time immemorial is false. The Kurubars should not touch the goddess Kalamma, and if they did so, "sumprokshanay" should be performed. The right of worship on behalf of all classes of Hindus, except Brahmins who may worship the goddess themselves whenever they want to perform puja, belongs to Shanbogues and Thamadies who are defendants in this case. The procession idols of Beeradevaru and of all other gods belong to all the villagers, and plaintiffs have no right whatever to the same.

(5). The right of performing parashay and other processions belong to the shanbogues and others of the village. Kurubars had no such right at any time, and they never exercised the same. All the procession idols and the whole of Maligay Mane are in possession of the defendants, and they are not and were never in plaintiffs' possession. Kurubars may perform pujay, to Beeradevaru only in the temple, but during processions outside the temple, the Brahmins and Thamadies alone have the right to make pujay.

(6). The allegation that plaintiffs got "Kappa" and "Kanikay" is false. Plaintiffs are not entitled to any damages, and those claimed are excessive.

(7). All the other allegations in the plaint are false. Plaintiffs are not entitled to any of the reliefs sought for.

4. The 8th defendant put in the following pleas:—

The right of conducting worship in the temples belongs to Brahmins and Thamadies of whom I am one. Plaintiffs have no right to perform pujay or to the possession of the temples.

5. The suit came on for settlement of issues on the 12th September last. Plaintiffs were represented by Mr. Krishna Iyengar and the defendants 1, 3, 4, 5 and 6 by Mr. Ramanna, 8th defendant in person, and the other defendants were absent and were treated exparte. The issues settled were:—

(1). Is one of the two temples Kala Beeramma's or Kalamma's?

(2). Have plaintiffs been in exclusive possession of the temples and the property belonging to the temples?

(3). Have plaintiffs a right to perform poojay in the said temples and manage the temple affairs to the exclusion of defendants ?

(4). If so, did defendants in any way interfere with plaintiffs' rights, and cause any, and what damage ?

(5). Are plaintiffs entitled to the declaration and the injunction sought for ?

6. The suit came on for final hearing on the 23rd November last, 26th and 27th January, 20th February, 3rd and 16th March, and 12th ultimo. Plaintiffs were represented as before and the defendants 1, 3, 4, 5, and 6 by Messrs. Ramanna and Sreenivasia. The former examined 26 witnesses and the latter 23. The exhibits filed were :—

A. Extract from jari inamati patti for the year Ananda.

B. Deposition given by 1st defendant and others in the Mysore Taluk 3rd class Magistrate's Court.

C. Razinama dated 3rd November 1891 filed before the 2nd class Magistrate, Mysore Taluk.

D. Extract from the register of the minor inams, dated 1st December 1880.

E. Deposition of 2nd defendant given before the 3rd class Magistrate of the Mysore Taluk.

F. 1st defendant's deposition given before the said court.

No. I. Deposition of Archika Chowdadeekshita given before the said court, dated 28th December 1891.

No. II. Deposition of Beeraygowda, dated 28th December 1892 given before the said court.

The object of this suit is (1stly) to have it declared that plaintiffs are the "pujaries" of the Kalamma's temple in Kadakola, (2ndly.) to restrain the defendants from interfering with plaintiffs' rights as such "pujaries," and (3rdly.) to recover damages for the alleged interference with their rights.

The principal question for decision, therefore, is, whether the plaintiffs are the rightful "pujaries" of the temple.

There is abundant oral evidence of a satisfactory kind to shew that plaintiffs are the hereditary pujaries of the temple, and that as such they have been managing the affairs of the temple.

Apart from the evidence of those who may be regarded as in any way interested in plaintiffs' cause, there is the testimony of a number of independent and respectable witnesses.

The 10th witness for plaintiffs was the Kotwal of Kadakola. He swears that, during 8 or 9 years he was employed in Kadakola, it was Kurabas (i. e. plaintiffs) that performed "pujay" in Kalama's temple. He also deposes to the fact of plaintiffs having performed "pujay" when Her Highness the Maharani passed by the temple on her way to Nanjangode, and to his having had orders from the palace to see the "pujay" performed on that occasion. He is no longer a resident of Kadakola, because he has been transferred to some other place, and so, he can have no interest in siding plaintiffs and telling a lie.

The 12th witness Venkatappa alias Venkatacharry is according to 1st defendant's own admission, the person who made the "procession idol" of Kalamma. He is a native of Nagamangala. He swears that plaintiffs are the pujaries of the temple, and that he made the idol, as desired by plaintiffs, who paid him for making it.

The 11th and 23rd witnesses are police constables who were employed in the village. Both of them are Mahomedans. Their evidence also shews that plaintiffs are the pujaries of the temple.

The 21st witness was the agent of the inamdar of the village for many years. He is a resident of Mysore, and so in no way connected with the factions of the village. His evidence is also to the same effect.

The 24th and 26th witnesses are police jemadars. One is a Brahmin, and the other, a Mahomedan. The latter was employed at the Kadakola station as a duffadar for some years, and the former visited the village now and then on duty. The evidence of both these officers shows that plaintiffs have been the pujaries of the temple.

The 13th and 19th witnesses are drummers on the temple establishment. The 14th is a dhoby who supplied cloths to the temple on "jathray" occasions. The 16th is

a manufacturer of fire-works at Mysore, who supplied fire-works to the temple on jathray occasions. The 25th is a "purohith" who performed "homa" during jathrays. All these swear to the fact that plaintiffs are the pujaries and that they have managed the affairs of the temple, and paid them for their services; and their evidence is fully corroborated by a host of others.

There is besides documentary evidence of a most unimpeachable character in proof of plaintiffs' right to the office of pujari.

Exhibit A is an extract from the "jare inamti" accounts for the year Ananda (1854—55). It shows that the inam land attached to the Kalamma's Temple was in possession and enjoyment of one Javana, who was the pujari of the temple. According to 1st defendant's own admission, this Javana was the father of the 9th plaintiff. The latter swears that he is in possession of the inam land and produces the inam patta marked D. The 2nd defendant said no doubt that the patta D had been granted to him, and that he had left it in the "Maligemane," but there is no evidence on the point beyond his own assertion.

Exhibit B is a deposition given by defendants 1 and 2. In this they clearly admit plaintiffs' right to conduct the ಪುತ್ತಳಿ or procession of Beredevaru and Kalama.

Exhibit C is a razenama presented by both parties to the Amildar-Magistrate. In this document also there is an implied admission by defendants that plaintiffs have a right to conduct processions.

Exhibit E is 2nd defendant's deposition before the Amildar. In it he does not deny plaintiff's right to make "pujay," as he does in this case; but says that, during the "jathray," Brahmins make "pujay" for 3 or 4 days, and then on and from the 5th day plaintiffs are to make "pujay."

Exhibit F is 1st defendant's deposition before the Amildar In it he distinctly admits that the right of making pujay daily belongs to plaintiffs, but says that he does not wish that they should make "pujay" during "jathray."

In exhibit F, the 1st defendant says that, when Brahmins or his own caste-men visited the temple, he himself performed "pujay." Probably he did so, because he was allowed to do so as a matter of courtesy in consideration of his being a man of a higher caste and

the shanbogue of the village. But the allegation that Thamadi Lingiah is the recognised pujari of the temple seem to be wholly false.

To show that Thamadi Lingiah is the "pujari" defendants examined a number of witnesses, but their evidence is not only opposed to strong documentary and oral evidence above referred to, but worthless.

Defendants' witnesses 1, 6, 7 and 8 say that they do not know who the pujari of the temple is. They know perfectly well who the pujari is, but they do not wish to speak the truth.

The 10th witness says that there is no fixed pujari and that pujay is performed by defendants 1 and 2 or by Thamadi Lingiah or by plaintiffs. The witness evidently wants to please all parties.

The 5th, 6th and 11th witnesses are admittedly opposed to plaintiffs, and so, their evidence is not entitled to much weight.

The 5th and 9th witnesses say that they saw but once Lingiah making pujay, but their allegation is wholly uncorroborated.

The 13th witness says that Lingiah's father performed pujay but once about 20 years ago, and his evidence is similarly uncorroborated.

The 18th and 19th witnesses are relations of defendants, and so their evidence is interested.

The 12th witness is Thamadi Lingiah, whom defendants want to put forward as the "pujari." It will be observed from his own admissions that he could not have been the pujari of the disputed temple. As to the "pujay" itself, he says that plaintiffs said they made "pujay" in his absence. He does not deny the fact that plaintiffs made "pujay," and he does not allege that he ever authorized them to do it. That being so, it is clear that plaintiffs performed pujay independent of him. The witness is a Lingayeth, while plaintiffs are Kurubas, and so, unless they had a right to make pujay, they would never have been allowed to do it. When questioned as to the inam patta the witness said he had never seen it, and that his father might have been granted a patta. As to the Inam land attached to the temple, he does not say that he ever enjoyed it. On the contrary, he says the land has been lying waste because of the adverse claim set up by the shanbogues, i. e., defendants 1 and 2. If the witness were the person entitled to the inam land, there is no explanation as to how defendants 1 and 2 came to assert their right to it; and why he did not enforce his right as against them. It is in evidence that fowls and sheep are offered

as sacrifice to Kalama, and so, it is improbable that a Lingayeth or a Brahmin does pujay in such a temple On the occasion of jathray, it is admitted that a Brahmin performs "Homa" and "Punnyakarcham" in the temple, and this would not have been permitted if a Lingayeth such as the witness were the pujari, because Lingayeths do not acknowledge the superiority of Brahmins or, their right to perform such ceremonies in their temples, i. e. temples where a Lingayeth is the pujari

The witness is the pujari of the temple of Someswara. He admits that Brahmins do not visit that temple, and that is because the pujari is a Lingayath. If he were the pujari of Kalama, similarly Brahmins would not have visited it. As a matter of fact Brahmins do visit Kalama's temple, because the pujari of that temple is one who acknowledges the superiority of Brahmins Indeed, the Sringeriswami or the "Jagadguru" also visited Kalama's temple, and paid a "Dakshana" of rupees 2½ to 9th plaintiff, recognizing him as the pujari

Defendants' advocate contended that Kalama was the gddess of Someswara, but there is no reliable evidence on the point

Because, on jathray occasions, the witness Lingiah, cooked rice to be offered to the deity, it was therefore contended that he was the pujari It seems to me that because food prepared by a Lingayath is accepted by a larger number of Sudras than the food prepared by Kurubas, special arrangements are made on jathray occasions to get food cooked by a Lingayath. Surely this circumstance does not make Lingiah a pujari

The other witnesses called on behalf of defendants are their partizans, or men of straw.

It will thus be seen that the weight of evidence is entirely in favor of plaintiffs Admittedly they are in possession of the key of the temple or Mahge Mane, where the temple property is kept It is in evidence no doubt that the property of the temple used to be taken out in the presence of the villagers, but that does not militate against plaintiffs' rights of management.

The 1st and 2nd defendants, who are the shanbogues of the village, evidently wanted to have all their own way. Plaintiffs would not submit Hence the shanbogue's attempt to deprive plaintiffs of their hereditary right to make pujay, and to put Lingiah in their place (See 1st defendant's deposition F in which he says that he does not wish that plaintiffs should make pujay during jathray, as if everything must give way to his wishes)

I find therefore on the 2nd issue that plaintiffs have been in exclusive possession of Kalama's temple as well as the property belonging to the temple, as "pujaries," and on the 3rd issue that

plaintiffs have a right to perform pujay in Kalama's temple and manage the temple affairs to the exclusion of defendants.

It is in evidence that Kalama and Kalaberama mean the same thing. (See evidence of plaintiffs' witnesses 4th, 7th and 20th). This disposes of the 1st issue.

Defendants do not deny the invasion of the rights complained of by plaintiffs. It is in evidence that, owing to defendants' objection, the District Magistrate has stopped pujay in the temple and also stopped "jathray," pending the decision of a civil court.

Plaintiffs estimate the loss sustained by them by reason of defendants' interference with their rights, at rupees 200. The 1st defendant admits that Kappa and Kanike for Kalama used to amount to rupees 30 and for Beredevaroo rupees 50.

Having regard to the fact that defendants, without any just cause or excuse, denied plaintiffs' right and thereby stopped daily "pujay" in the temple as well as annual jathray in connection with the temple for the past 18 months, I do not consider it extravagant to award plaintiffs a compensation of rupees 100. This disposes of the 4th issue.

The result is, there will be a decree declaring plaintiffs' right to the office of pujari of Kalama's temple, and to the management of the affairs of the said temple; restraining defendants from in any way interfering with such rights, and directing them to pay plaintiffs damages rupees 100 and full costs.

I allow full costs because plaintiffs could not ascertain beforehand what amount of damages the court would allow.

(Signed) C. B. Seshagiri Rao,
Munsiff.

IN THE COURT OF THE MUNSIFF OF MYSORE.

This 15th day of May 1893.

Civil Suit No. 565 of 1892.

Plaintiffs.	vs.	Defendants.
Beraygowda and others.		Venketsubbiah and others.

Suit to have plaintiffs' right established to the office of pujar of Kala Beeramma's temple, to restrain defendants from interfering with the plaintiffs' rights as pujaries and for damages rupess 200.

DECREE.

On the passing of judgment in this suit in the presence of Messrs. Krishniengar and Ragavachar, advocates for plaintiffs, and Mr. Ramanna, advocate for defendants 1, 3, 4, 5 & 6 and the other defendants being absent, it is ordered and decreed that the plaintiffs' right to the office of pujari of Kalamma's temple and to the management of the affairs of the said temple, is hereby established, that the defendants are restrained from in any way interfering with such rights, and that the defendants do pay to the plaintiffs damages rupees 100 with court costs.

It is further ordered and decreed that the defendants do pay to the plaintiffs ruppes 145—0—8 being court costs as per memorandum of costs annexed.

(Signed) C. B. Sashagiri Rao,
Munsiff.

Memo of costs.

By plaintiffs ....Rs. 145 0 8

By defendants..... „ 83 11 0

The amount payable to plaintiffs by defendants, is Rs. 145-0-8.

(Signed) C. B. Sashagiri Rao,
Munsiff.

IN THE COURT OF THE DISTRICT JUDGE, MYSORE.

This 15th day of January 1894.

Before C. Cress Esq., District Judge.

Appellants (defts).	vs.	Respondents (plffs).
1. Venketsubbiah		1. Dodda Beeraygowda
2. Appajiyah		2. Mary Nanjegowda
3. Puttaveeriya		3. Chicka Nanjegowda
4. Yancha		4. Kalaygowda
5. Konday Kala		5. Maligaygowda
6. Minaka Dasa		6. Nunjundaygowda
7. Kuri Linga		7. S. Baraygowda
8. Chicka Nanjappa		8. D. Maligaygowda
9. Siddiah		9. Kempaygowda
		10. C. Nanjegowda
		11. Puttaygowda
		12. K. Nanjegowda

Appeal suit No. 178 of 1893 against the decree of the Munsiff of Mysore in C. S. No. 565 of 1892.

JUDGMENT.

Suit for a declaration that the plaintiffs are the "Pujaries" of the Kala Berama's temple at Kadakola for an injunction restraining the defendants from interfering with the plaintiffs' rights as such pujaries, and for the recovery of rupees 200 by way of damages.

2. The plaint is as follows:—

* * * *

3. The defendants 1 to 6 filed a written statement to the following effect:—

* * * *

4. The following issues were settled:—

* * * *

5. The Munsiff passed a decree in favour of plaintiffs granting them the reliefs sought for and awarding rupees 100 on account of damages, and also costs against the defendants.

6. The defendants appeal on the following grounds :—

(1). There being only two alternatives, viz., whether the shanbogues used to perform puja or not, and the Munsiff having found as a matter of fact that the shanbogues and the Brahmins used to perform puja to Kalamma, has erred in choosing the mean, viz., that they were permitted to do so by Kurubars through courtesy, a case not set up by the Kurubars themselves.

(2). The fact that "Thamady" used to make puja, offerings, and mangalarthy, having been established by the admissions of the plaintiffs, and the evidence on the defendants' side, the explanation given by the lower court is unsound and untenable, especially as the defendants themselves did not think of giving any explanation.

(3). Decree for plaintiffs, exclusive right of worship and management is unsustainable in the face of the observations and findings recorded in the judgment, as well as in the face of admissions made by the plaintiffs.

(4). The reasons and explanations given by the Munsiff for granting the decree for plaintiffs are unsound and untenable, and are opposed to recognized customs of the country.

(5). The Munsiff has erred in finding that the deposition of Venketsubbia binds all the villagers.

(6). Considering the serious breach of the peace incidental to the granting of a declaration in this case, the Munsiff has erred in law in granting the declaration.

(7). The defendants have made out their case.

(8). The amount of damages awarded is excessive.

(9). The court costs have not been properly adjudicated.

(10). The suit is not maintainable in its present form.

7. The respondents filed the following memo. of objections to the decree of the lower court :—

(1). The respondents in the aforesaid suit prayed for a declaration establishing their right to perform puja or worship daily, and on special occasions as to (1) Mooladevaru of Kalamma in Kalamma's temple, and (2) to the procession idols of Kalamma and other deities in the Maligemane.

(2). It is clear from the judgment of the Munsiff that the respondents have established their rights to the said two reliefs.

(3). The Munsiff in the decretal portion of his judgment directed that a decree be passed declaring the plaintiffs' right to the office of pujari of Kalamma's temple probably under the impression that the language used was wide enough to cover the reliefs prayed for.

(4). The respondents apprehend that their opponents may take advantage of the non-mention in express words of the declaration of the respondents' right to worship the procession idols of Kalamma and other deities in the Maligaymane, so as to cause annoyance to them.

(5). The respondents respectfully pray therefore that plaintiffs' right to make poojay or worship to the procession idols of Kalamma and other deities in Maligaymane, be declared in so many words, and the same be embodied in the decree.

After carefully studying this case and considering the lengthy arguments of the appellants' advocate, I feel bound to concur with the very clear, lucid and forcible judgment of the Munsiff.

The plaintiffs have undoubtedly established their right to manage the affairs of the temple to perform the daily pujas, and to carry out the processions and jatrays connected with the institution, and they have proved that they have been exercising their rights for many years; it appears to me that the shanbogues of the village wishing as they always do to have a finger in the ecclesiastical pie, managed to persuade the plaintiffs to allow them to take a minor part in the performance of the ceremonies and having obtained so much for themselves they now seek cuckoo-like to turn the plaintiffs out of their own temple.

To begin at the beginning, exhibit A shows that long, long ago one Javaniah was the pujari of the temple in suit, and the 1st defendant admits that this man was the father of the 9th plaintiff. In spite of such admission the defendants' 19th witness is put forward to prove that one of his ancestors was also named Javaniah, and that he was employed as a lamp lighter in the temple. Suppose that he was a lamp lighter is not a pujari, nor does the fact of an oil monger being employed as a temple servant in any way help to establish the pretensions of the Brahmins and Sivachars to the right which they now claim.

Much has been made of the admitted fact that the shanbogue prepared cakes, and the Sivachar Thamady Lin-

giah cooked rice for the temple service during the yearly jathray; but exhibit C shows that this concession was made to the Brahmins by way of a compromise, and that the funds for the preparation of the cakes were to be provided by the plaintiffs, whose proprietory rights are thus clearly admitted; were it otherwise the shanbogues would make and offer their own cakes when and how they pleased.

Again the testimony of certain sacerdotal Brahmins has been brought forward by the defendants to prove that purification and consecration ceremonies were required to be performed by "Agameeka" Brahmins on the first day of the "jathray," hence the Brahmin's right to the temple is said to be thereby proved. But I think the argument cuts the other way; if a holy Brahmin was required on special occasions to purify the deity, and was employed by the plaintiffs for performing the necessary ceremonies, it is pretty clear and certain that Brahmins did not as a rule officiate at the temple as contended by the defendants, for if so where would be the necessity for engaging the services of a priest once a year to do so.

The rest of the evidence has been exhaustively summed up by the lower court, and I need not recapitulate the arguments used by the Munsiff, with whose conclusions I perfectly agree.

The appellants urge that the lower court's decree deprives them of the rights conceded by the plaintiffs themselves; but this is not so, the decree simply restrains the defendants from interfering with the plaintiff's rights, and does not prevent the defendants from exercising any legal rights they may possess, provided of course that they do not infringe the rights of the plaintiffs.

With regard to the likelihood of a riot, I need only say that every person must be protected in the exercise of his legal rights, and those who dare to prevent such exercise will undoubtedly meet with their due reward.

The decree of the Munsiff will be confirmed with the express stipulation that the plaintiffs' right to manage the temple includes the custody of the "Maligaymane" and of the processional gods.

Appellants to pay all costs.

(Signed) C. Cress, J.

IN THE COURT OF THE DISTRICT JUDGE AT MYSOR E.

This 15th day of January 1894.

Appeal No. 178 of 1893

Appellants	vs.	Respondents.
1. Venketsubbiya.		1. Dod Boregowda.
2. Appajiya.		2. Mari Nanjegowda.
3. Sutveeriya.		3. Chick Nanjegowda.
4. Mancha.		4. Kalagowda.
5. Konda Kalla.		5. Malegegowda.
6. Minaka Dasa.		6. Nanjundaygowda.
7. Kuri Linga.		7. S. Beeraygowda.
8. Chick Nanjappa.		8. Dodda Maligegowda.
9. Siddaiya, residents of Kadakola, Mysore Taluk.		9. Kempegowda.
		10. Chick Nanjegowda.
		11. Suttegowda.
		12. K. Nanjegowda, residents of Kadakola, Mysore Taluk.

Appeal from the decree of the court of the Munsiff of Mysore, dated the 15th day of May 1893.

Memorandum of Appeal.

Plaintiffs.
1. D. Beeragowda.
2. Mari Nanjegowda.
3. Chicka Beeregowda.
4. K. Kalegowda.
5. Maligegowda.
6. Nanjundegowda.
7. S. Beeragowda
8. Dod Maligagowda.
9. Kempegowda
10. Chick Nanjegowda,
11. Puttegowda.
12. K. Nanjegowda.

vs.

Defendants.
1. Venketsubbiah
2. Appajiya
3. Putveeriya
4. Mancha
5. Kondakala
6. Manikagowda
7. Kurilinga
8. Chickananjappa
9. Siddiya
10. Padmasetty

Appellants above named appeal to the court of the District

Judge, Mysore, against the decree of the Munsiff of Mysore, in suit No. 565 of 1892.

DECREE.

On the passing of judgment in this appeal after hearing Mr. Ramanna, Advocate for the appellants and Messrs. Krishnaiengar and Ragavachar, advocates for the respondents :

It is ordered and decreed that the decree of the lower court be and the same is hereby confirmed with the express stipulation that plaintiff's right to manage the temple includes the custody of the "Malegemane" and of the processional gods.

And it is further ordered and decreed that the appellants (defendants) aforesaid do pay to the respondents (plaintiffs) aforesaid the sum of rupees 20—11—4, being the amount of costs incurred by the respondents aforesaid in this court.

And it is further ordered and decreed that the appellants (defendants) aforesaid do pay to the respondents (plaintiffs) aforesaid the sum of rupees 145—0—8, being the amount of costs incurred in the lower court.

(Signed) C. Cress, J,
District Judge.

MEMORANDUM OF SECOND APPEAL.

Before the Court of the Munsiff of Mysore.

O. S. No. 565 of 1892.

Before the Court of the District Judge of Mysore.

A. S. No. 178 of 1893.

Before the Chief Court of Mysore.

S. A. No. 105 of 1893—4.

	In the Court of 1st Instance.	In the Lower Appellate Court.	In the Chief Court of Mysore.
1. Appaja. 2. Mancha.	...2nd & 4th Defendants	Appellants	2 & 4 Appellants.
versus.			
1. Dodda Baraygowda. 2. Mary Nanjaygowda. 3. Chicka Beeraygowda. 4. Kalaygowda. 5. Maligaygowda. 6. Nanjundaygowda. 7. S. Beeraygowda. 8. D. Maligaygowda 9. Kempaygowda. 10. C. Nunjaygowda. 11. Puttaygowda. 12. K. Nunjegowda.	Plaintiffs	Respondents.	Respondents.

The appellants abovenamed beg to prefer this 2nd appeal to

this honorable court against the decree passed by the District Judge of Mysore in appeal suit No. 178 of 1890, for the following reasons :—

1. The lower appellate court erred in holding that the suit is maintainable in its present form.

2. No suit lies in a civil court to establish rights concerning religious worship and to pass a declaratory decree declaring such rights and to grant injunctions.

3. The lower appellate court has not considered all the grounds of appeal.

4. Both the lower courts erred in law in entertaining the suit of plaintiffs and in granting all the reliefs sought by the plaintiffs.

5. The lower appellate court erred in declaring that the plaintiffs' right to manage the temple includes the custody of the "malige mane" and of the processional gods, a right not granted by the court of the 1st instance.

6. The Munsiff having found that the shanbogues and Brahmins used to perform puja to Kalamma and the Tamadees making puja being admitted by the plaintiffs erred in declaring plaintiffs' rights.

7. Both the lower courts erred in law in basing their decisions on a case not set up by the plaintiffs.

8. The decisions of both the lower courts are opposed to law, facts found and proved and admissions of plaintiffs, weight of evidence and probabilities of the case.

The value of the appeal is 100 rupees and 5 rupees stamp is added for the relief granting injunction.

(Signed) S. Ramaswamier,
Advocate for Appellants.

Value of the relief sought for on injunction is rupees 60.

(Signed) S. Ramaswamier,
Advocate.

IN THE COURT OF THE MUNSIFF OF MYSORE.

O. S. No. 565 of 1892.

Plaintiffs.	vs.	Defendants.
Devaraguddi Gaudan Bere Gauda and 11 others.		1. Shanbogue Venkatasubbiah and 9 others.

Plaintiffs state as follows :—

1. In the village of Kadakola of the Mysore Taluk, there are two temples, viz., Kalabiramma's temple and Beredevaru temple. In these temples there are "Muladevarus." The said god and goddess are the chief idols of the kurubar caste people. The procession idols of these god-heads and the idols of other gods belonging the Kurubar people, have been stationed in a temple called "Maligemane."

2. The key of the Kalabiramma's temple and that of "Maligmane are both in the possession of the plaintiffs. Both the said buildings are in the possession of the plaintiffs.

3. The right to perform the daily poojas, poojas on extraordinary days and the Parashe Jathre (annual festivals) and processions in connection with the said god-heads, has belonged to plaintiffs from of old, and they have been in the enjoyment of the same.

4. In respect of the processions and Parashe's connected with the said Beredevaru and Kalabiramma for the last 9 or 10 months, the defendants and others who are not of the Kurubar caste, made thakarar and lodged complaints before the Deputy Commissioner and the Amildar &c., thereon their thakarars were not admitted, and the plaintiffs carried on the processions &c.

5. Out of this grudge, the defendants denied that the plaintiffs were the poojaries of Kalabiramma and that the plaintiffs had any right to perform the pooja; and for the last 6 or 7 months whenever the plaintiffs attempted to perform the pooja of Kalabiramma and the "Mula Vigraha" and also the procession idols of Kalabiramma, &c. at "Malige Mane," the defendants caused obstruction to the pooja and have been attempting to use criminal force.

6. In consequence of the obstruction caused by the defendants, the plaintiffs have sustained damages by way of losing th

monthly and yearly perquisites, e. g., Kappa, Kanike, &c. which are of great value.

7. The defendants have no right or reason to deny the plaintiffs' right of pooja and obstruct the performance of the same. Hence the suit.

8. In denying plaintiff's right of pooja and obstructing the performance of the same, many have joined the defendants' party. As it is impossible to join all of them as defendants, the leaders of the party who denied the right and obstructed the performance of the pooja, have been joined as defendants under section 30 of the Civil Procedure Code.

9. Plaintiffs pray for a decree declaring their right as poojarees that perform the pooja daily and on extraordinary occasions of Kalabiramma "Mula" goddess in the Kalabiramma temple, and the procession idols, of Kalabiramma, &c. in " Maligemane" at Kadakola; for the issue of a perpetual injunction restraining defendants from causing obstruction to the pooja by plaintiffs; for rupees 200 as damages sustained by plaintiffs in consequence of the obstruction caused by the defendants for the performance of the pooja together with costs and such other reliefs that ths court may deem fit to grant.

Cause of action arose about 6 or 7 months ago.

Mark of Devaragudde Gaudanaberegauda and others.

Verified and signed—

Value of the suit, damages, rupees 200 stamps thereon rupees	...	15	0 0
Value of the injunction rupees 60	do. ...	4	8 0
	Total rupees...	19	8 0

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday the 11th day of July 1894.

Present

A. Ramachendra Iyer, Esquire, Judge,

and

P. N. Krishna Murti, Esquire, Judge.

Second Appeal No. 105 of 1893—94.

1. Appajiah
2. Mancha } .....Appellants—Defendants 2 and 4.

vs.

1. Dodda Beeraygowda and 11 others } .....Respondents...(Plaintiffs.

Memo.

In S. A. 40 of 1882, it was held that between 1834 and 1856, the sole Commissioner of Mysore, under the powers vested in him by Government of India, issued orders for the establishment of Courts of Justice in Mysore with Rules for their guidance. The Rules and Circulars which had been reported to Government of India in 1855, as forming the system of judicial administration, were compiled and printed in 1860, and they contain among others. Orders defining and declaring the jurisdiction of the courts.

5 Mysore L. R., 84, Mr. Plumer and Col. Hay.

At page 67 of the said compilation of circular orders to Civil Courts, the following appears

"The institution of suits for Poojaree rights in the courts is prohibited. The Amildars may inquire into such disputes with a punchayat and decide them and those decisions may be appealed against to the Commissioner under whom the Muzrai affairs are managed."

Meerassee rights of village servants, 9th September 1835.
Poojaree rights, 26th October 1854.

A copy of the order of 26th October 1854 is annexed, from which it is evident that Civil Courts have no jurisdiction to try suits relating to poojaree rights.

Following the decision in 5 Mysore L. R. p. 84 it was held that the notification of the Commissioner of 1835 with regard to Murassi and hereditary rights of shanboges and patels, were not repealed when the Code of Civil Procedure was introduced into Mysore, and that suits relating to such rights were not cognizable by the civil courts.

7 Mysore Law Reports p. 125. Messrs. Plumer, Thumboo Chetty and Ramachendra Iyer.

In this case there was a claim to establish plaintiffs' right to perform pooja in a temple. Held, plaintiff failed to prove such hereditary huk as was alleged.

8 Mysore L. R., p. 81. Messrs. Plumer & Ramachendra Iyer.

The question whether the Civil Court's jurisdiction was not barred by Commissioner's circular of 26th October 1854, was neither raised nor considered.

This was a suit to establish plaintiffs' right to perform pooja by turns and to recover damages.

Held, on a consideration of section 11, Civil Procedure Code, sections 88, 220 and 221 Land Revenue Code and Act 23/71;

14 Mysore Law Reports, p. 140. Messrs. Thumboo Chetty, Ramachendra Iyer and Krishna Murti.

that as the temple was not a government institution under the management of Government Muzrai Department, the claim was within the cognizance of Civil Courts. The question whether the notification of Commissioner of 1854 was a bar was not considered in the above case, or in a later reference from the Munsiff of Nunjangud.

In this second appeal No. 105 also, the question whether the civil courts have jurisdiction is raised.

I would report the case before the full bench for consideration.

Whether the notification of the late Chief Commissioner dated 26th October 1854, which takes away the jurisdiction of courts in all claims relating to poojaree rights, applies to poojarees of private temples, which are not Government institutions, and which are not under the management of Government Muzrai Department, and whether the cognizance of the present suit by the civil courts, either in whole or in part, is barred by the said notification.

(Signed) T. R. A. Thumboo Chetty,

Chief Judge.

29—9—94.

A. Ramachandra Iyer, Esquire.—I concur in the order made by the Chief Judge.

(Signed) A. Ramachandra Iyer,

Judge.

CHIEF COURT OF MYSORE.

SECOND APPEAL.

No. 105 *of* 1893—94.

FULL BENCH

MYSORE.

Appajia and another.

(Defendants 2 and 4) Appellants.

by Mr. S. Ramaswamy Iyer,

Advocate.

versus.

Dodda Beeray Gowda and others,

(Plaintiffs) Respondents.

by Mr. S. Narayana Row,

Advocate.

Presented.....16—2—94.

In the Court of First Instance	Plaint Presented	13—	8—92
	Decree Passed	15—	5—93
In Lower Appellate Court.	Appeal Presented	29—	5—93
	Decree Passed	15—	1—94
In Chief Court.—Appeal Filed		23—	2—94

Nature of Claim. Suit to establish plaintiffs' right to the office of pujari of Kala Beerama's temple.

To be heard on 19th November 1894.

The Daily Post and Examiner Press,—Bangalore.

MUZRAI.

1898

From

The Secretary to the
Government of Mysore.

To

The Deputy Commissioner
Mysore District

Dated 16th February.
Despatched 16th
Received

General No. 1082
Muzrai F. No. 37.94
Enclosure No.

Adverting to his
No. 366 dated 12th September
1895 submitting the record
relating to the dispute
about the Pujari and
Yajamanike hak of the
Kalikamma temple in
Kasba Nagamangala, have
the honor to request
to be furnished as early
as possible with informa-
tion on the following points

From the Same no 250 d/11/6/98

(1). How is the Pujari remunerated for his services in the temple?

(2) If a separate Pujari be appointed what duties will the Yejaman then have

(3) In whose hands are the fees and Kanikés offered by the Votaries of the temple paid?

(4) Are there any properties moveable or immoveable belonging to the temple and who is in actual possession of them

(5) In whose name does the Title Deed granted for the inam attached to the temple stand? The original Title Deed should be obtained and forwarded to this Office for reference.

By order

Asst Supt.

Muzrai Secretary

1897-98.

From

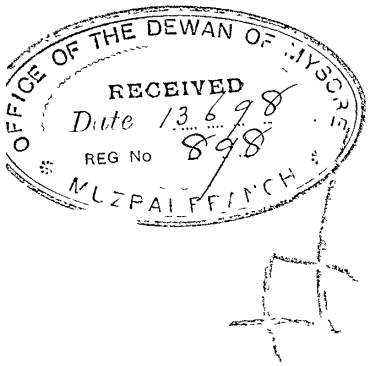
The Dy Commissioner
Mysore Division

To

The Secretary to the
Government of Mysore

Dated 11th Muzrai Department
Despatched } June 1898.
Received

General No. 250
No.



Enclosure No. 1 + 1 file.

Muzrai Secretary's
docket No 1082 dated
37-94
16th February 1898 Calling
for information regard-
-ing the Enumeration
to the Poojari, the duties
of the Yejaman and the
properties of the temple
of Kalamma at Mangala-
-mangala.

—o—

Has the honor to
be

Enclosed herewith my account for Expenses
Incurred during Official Letter No
Dated 23rd March 1898 with Enclosures
which I trust is satisfactory.

I remain
Your Obedient
Servant

Rep. No. 299
25.5.98

No. 470
Encls: V. papers.
From

Sub Division Office
French Rocks
Dated 23rd May 1898.

The Sub Division Officer
French Rocks

To,

The Deputy Commissioner
Mysore district

Sir,

May
Mun: Agent

With reference to Murrai Sheristar docket no: 1082/37.94 of 16th February 1898, Copy received with your Dm no 184 of 10th March 189 calling for certain information in regard to the dispute about the pujari Yejaman hack of the Kalikammah temple in Nagamangla Taluk I have the honor to report as follows:-

(2) The pujari gets no pay for his services but enjoys an inam land noted in the margin paying Rs 5-3-6 as jodi to Government.

'Wet land no: 398 measuring 1-9 a G assessed Rs 6-8-0 situated the Nagamangla tank.

(3) If a separate pujari were appointed, the Yejaman has only to supervise as Dharma-darsi the affairs of the temple according to a Karar executed to Chinna by the Panchala Community on 30th January 1850 which is —

herewith forwarded.

4). The Kánikas and fees offered by the votaries are paid to the Yajaman under the above karar. The Amildar reports that there is no record to show that Kánikay or fees have ever been received in the temple.

5) The properties belonging to the temple are reported, some to be in Mariyamma's possession and some in the acting pujari Nanjundiah's possession, but what these properties are, it is not possible to say without referring to the inventories which are reported to be in the Muzrai Secretary's Office. The Panchala people have since given 1057 3/4 Rupees worth of things to the Temple as per list attached. These are in the possession of Yajaman Chinna.

6) Besides the inam land shown above the temple has no other real property. The acting pujari Nanjundiah is in actual possession of the inam land, the title deed of which stands in the name of Vicharana Karta i.e. the manager for the time being, (person not named).

7) The original title deed obtained from Mariyamma is reported to be among the records submitted to the Muzrai Secretary

when the first appeal was preferred. a Copy however of the title deed produced by the acting pujari is enclosed for reference.

(8) The temple belongs to the Panchala community and no other class visit it as votaries. The acting pujari not being on friendly terms with the Panchalas they do not attend the temple, and the temple is in a neglected condition a portion of the Compound wall having already tumbled down. I think, therefore advisable in the interests both of the temple and of the people for whose benefit it exists that the present pujari be removed and another competent person approved by the Panchalas be appointed in his stead.

The Amildar's report No. 146 and its enclosures are herewith forwarded.

I have the honour to be,
Sir,
Your most obedient servant
[signature]
Sub-division Office
French Rocks

No. 9858/96

No. 934/1/B

To

The Executive Engineer,

Sir,

I am directed to forward herewith a copy of the Government Order No. [illegible] dated [illegible] and to request that the Engineer may be informed accordingly.

Yours faithfully,

Sub Officer

Muzrai

From

The Secretary to the

Government of Mysore

To

The Deputy Commissioner

Mysore District

Dated 16th February 1898

No 1082
37-94

Adverting to his No 366 dated 13th September 1895 submitting the record relating to the dispute about the Puja Gejamanike hak of the Kalikamma te in Kusha Nagamangala, has the hon to request to be furnished as early a possible with information on the followin points:—

How is the Pujari remunerated; his services in the temple?

(2) If a separate Pujari be appointed, duties will the Gejaman then have

(3) Into whose hands are the fees a Kanikes offered by the votaries of t temp

temple paid?

Are there any properties moveable or immoveable belonging to the temple and who is in actual possession of them?

In whose name does the Inam Title Deed granted for the inam attached to the temple stand? The original Title-Deed should be obtained and forwarded to this office for reference.

By order

(Signed) A. Sreenivasachariar

Muzrai Secretary

Copy

[illegible]

Inam Officer

13/4/98

Dewan Balubuté notes on Office Memo re
case of Vejamanakee and Office of Poojari
Kalikamma's Temple at Kachia Nagaman
Copied from the pencil Notes at the end
the Memo since indistinct —

" Chinniah son of Badda Vecka
says —

(1). His father died three years ago.

(2) Mariamma now does Puje since Sub
Office's order now under appeal.

(3) Brahmin should officiate as Puja
and not a Sivachar.

(4) Velum Vejamanship because the
my grand father was Vejaman —

(5) His Vejaman of Kongayat Pan
chalas is Kuchinaiya son of Kempa
and grandson of K iah — but we ar
Vejaman of the temple. His Vejaman
of Kongayat Panchalas is anna
son of Viranna and grandson of Devan
Order — Abolish Vejamanship and reinstat

Brahmin Pujari

5 — 5 Q1

In the april 1895, the Sub
in the Mukhtarship Dept reversed
the Subdn officer's order,
and ~~put it~~ directed that
Channappanja Shanbh.
put in possession of the
pujari office the Zeymans
—So far as the temple was concerned been
abolished
In May 1895, Marcara
applied for a review of the
above order and prayed
that the Sub Dn officer's
order recognizing him
Pujari might be restored
—This petition was post.
for hearing before the
Commissioner & the pe
& others were heard on
13/8/96 & 27/8/96

Petition No 3181 of 1896-95.

Petitioner
Mariyanna
(Lingayat)

Counter Petitioner
Channappaiya Dikshi
(Brahmin

Application for reconsideration Government order No 915 / Mwz. 7.37-94 of 15. regarding the office of Archak of Kalikamma Temple at Kasaba Na mangala.

List of papers.

1. Appeal petition presented by Chan paiya Dikshita on 23rd July 8

2. The Dewan's notes of enquiry on 23rd J.

3. Office Memo giving the facts of the ca and containing answers to the que in the above.

Note:- On this are recorded minutes of the Council and the Dewan at a late

4. The late Mr Vijayindra Row's dra

Note:- This does not appear to been issued. In 1891,

the matter came before the Councillors, and their minutes and the Dewan's order are recorded on the above Office Memo

by of the Dewan's order of 5th May 91 referred to above.

Note. — This order does not appear to have been placed before the Councillors or issued. When the file was transferred to the Mauzabai Secretary, he placed the following draft in accordance with the above order.

Draft of the order submitted by the Mauzabai Secretary.

Note. — On this the Dewan observed, on 14th May 91, that he had no objection to the order issuing if, according to the existing real condition of affairs, the Mauzabai Superintendent found it desirable. The Mauzabai Superintendent then made local enquiries on 8th April 95 (vide his note on the back of this draft) and after satisfying himself as to the desirability of the order issued it on 16th April 95.

7. Copy of the said order of Government dated 16th ~~March~~ April 95.

8. Review application with enclosures.

Note:— In para 22 of the petition the Petitioner urges that he had no notice of the appeal put in by Chinnappayya and had therefore no opportunity of being heard with reference to certain documents mentioned in the petition, and that the appeal was hurriedly decided ex parte. With reference to this, the Devasthanam application to be heard in Council.

Reference Papers.

I Commissioner's Circular No 30 dated 26th October 1851

II Ashtagram Dn Supts' letter No 2717 dd 18th November 1866, with copy of a memorandum

III Head Sheristedar Mr. Arunachala Mudr's
Kanarese Memo of 10. 5. 67

IV Translation of the above.

V. Copy of the Chief Commr's order
of 16. 5. 67

VI Endoraement of 16. 10. 69 granted to
Viranna by the Secretary.

VII Viranna's petition of November 1869
addressed to the Supdt of the Ashtagram
Division.

Subd
Notices were served on the brother of Petr
& brother of Counter Petr - on 2-8-96.

The papers were recd last evening. The
3? Commissioner not having come to Office today
they could not be read to him. It is requested
that the file may be forwarded to the 3 Commissioner
if necessary.

Tomorrow being Garuda Panchami, the
Darkas Office will be held in the morning,
but the officials of the Petn branch will
attend Office at the usual hour. It is not
an authorized holiday & no cases were posted.
12/8

Council meeting till
late in the evening
13-8-96

Sd

Sd notice of this & I drove
to the Office this morning
13-8-96

Minutes by the 1st Councillor

The conclusion which has b
arrived at, after a very
careful perusal of the reco
and the hearing of the part
is that there are no groun
whatever for reopening t
case .

2. Nanjundia belongs to a
family of Brahmins which h
been performing the service
in this Temple from almos
the beginning of this century
if not prior to it. It is inexpe
to disturb him. The decease
Veerachari more than once
attempted to disturb him
but failed. The order of the
Sub Division Officer of Trichi
Rocks was one of such
attempts and it has been
properly set aside. The last
Chief Commr declared Veera
to be entitled to be Yejma
and this order was consist
not to extend to the Pujas

service. This construction of his order came up in appeal before the same Chief Commr and he confirmed it. Under these circumstances, Mariyamma's contention that he is entitled to the Pujari hereg is futile and has been rightly rejected.

3. The order of Govt under review abolishes his connection with the temple as Yejman. This settlement is not unreasonable. Mariyamma is a Lingayat Goldsmith, and the Inspr Supdt has found that there are only two such families in Nagamangala — at all events it cannot be more than a very small section of the Goldsmith community in that place. The majority, whose houses are computed to be nineteen are non-Lingayats and belong to what is otherwise called Koolachar sect. They oppose the appointment of a Lingayet goldsmith as Yejaman

Having regard to the schism which of late prevails among

Note — The opposition of some of the non-lingayats or non-Sivaites was to the Brahmin pujari and they wished one of their own sect to be Pujari. None opposed the Lingayat Sivachar Yajaman, though the leader of the sect viz Chinniah, son of Gneelaiah claimed the Yajamanship for himself

(Sd) A.R.

the Panchalas, it seems inexpedient to put marijuana alone in a position of influence which may be abused to the prejudice of the majority who do not sympathise with him. Under all the circumstances of the case, the measure of doing away with a hereditary Yajmani cannot be deemed as imprudent or inexpedient. Veeramma's title to this Yajmanship, though recognised by the order of the late Chief Comma has not been clearly shown to have come into existence by universal suffrage of all the members of the caste. One Kasturiah of the non-Lingayat body had been for some time associated with him. Later on Neelappa has become the joint Yejmani. It may perhaps be useful to appoint one of each sect to be Dharmadarsis under the recent rules of the Muzra Deptt. But there is no ground whatever to reopen this case. The application

review is rejected

(Sd) P. N Krishnamurti
25-1-98

Minutes by the 2nd Councillor

I agree to the rejection of the review application as regards poojaarship. But I would like that on the occurrence of vacancy, the two sects of the inhabitants might together appoint a qualified successor amongst themselves. This would eventually do away with the anomaly of a Brahmin Poojari in a Panchala temple as observed by the Sub Dy Collector of the non Sivachars or non-Lingayat men that appeared before Govt opposed the Brahmin Poojari and wished that one of their own castemen might be made the Poojari instead, vide note under date 27th August 96 made at the hearing of the case. So when the post may be vacant, it is highly probable that

that the two sects may
in favor of a Pandiola woo
It is in no way desirab
to perpetuate the anoma
referred to above

2. I would restore the o
hereditary Yajamanship
to petitioner Mariyamma wh
has repeatedly been recogn
as a hakdar to the offic
There seems to be little o
no opposition on this sc
on the part of the non Liga

3. The Muzrai Supt's not
of the 13th April 95 refer
only to the Punjarship and
to the Yajmanship.

4 Though Dodmeliah and
after him his son, Shivania
contended that they we
hakdars to the temple Yajm
they were never recognised
such.

5. Any association wi
the petitioner of an individu
of the opposite sect is neith
called for nor expedient un
the circumstances of the ca

28th January 98

(Sd) Abdul Rahim

Place this file before the Hon'ble Division for final orders.

(SD) P.N.K
29/1/98.

Secretary

2/2/98.

Sealed before Hon'ble Division Bench
3/2/98

1. Chinnayya
son of Venkatayya
this Kalachari

2. Venkatachari
Son of Dodda Nelayya

3. Nunnachary for
Venkatachari

4. Do

5. Kalachari for
Chikkachari

With that one of them
our castemen called
themselves Karnakatas
Maybe affronted Poojari
They demanded commuted
to a Brahmin cont[ract] with
as Pujari —

27.8.94

The conclusion which has been arrived at, after a very careful perusal of the record & the hearing of the parties is that there are no grounds whatever for reopening the case.

Narayandayya belongs to a family of Brahmins which has been performing the services in this temple from almost the beginning of this century, if not two. It is unexpedient to divide him. If the decree declares that Veerachari ~~and his son~~ has more than one ability to distribute him but fails the order of the Subordinate of French Rocks was one of such attempts and it has been properly set aside. If late the Court declared the whole entitled to be Yegnian and that order was construed both by the Lower Court with Boojah service. This construction of

order came up in appeal before the same Chief Court and he confirmed it. Under these circumstances Narayana contention that he is entitled to the Bargain hing is futile and has been rightly rejected -

The order of Sub-A under review as regards his connection with the Temple as Yejmain - This settlement is not unreasonable - Narayana is a hungayet goldsmith, & the Mysore Supt has found that there are only two such families in Nagamangla - at all events it cannot be more than a very small section of the goldsmith community in that place - The majority, whose houses are contended to be mine, here are non-hungayets and belong to what is otherwise called Kodlachen sect. Here arose the appointment of a hungayet goldsmith as Yejmain - Having regard to the schism which of late prevail among the Panchalas it seems un-

respectable what Maryama
is a position of influence who
may be abused with prejudic
to the majority who do not
sympathize with him - And
all the circumstances of the case the
measure of doing away with
a hereditary Yejmani cannot
be deemed as imprudent, or
unexpedient. Veeramma's title
to this Yejmanship though recogn
by ~~custom~~ the order of the late
their court has not clearly shown
whether one with exclusive
by a very universal suffrage
of all the members of the Sri
One Kasturayya of the Nonlay
body had been for some time
associated with him - Later
on Nalayya had become the
joint Yejmani - It may here
have be useful to appoint
me of each section to be Dharm
Darsees under the recent rules of
the Mozzori Deptt But there
is no ground whatever to
re-open this case - The applic
cation for review is rejected
Chas

Submit
To

Abdul Rahiman Sahebs
K. B.

25/1/98

Sub to 2nd Committee

27/1/98

I agree to the rejection of the review application as regards the Poojaris ship. But I wd. add that on the occurrence of a vacancy, the two sects of the Panchalas might appoint a Poojaki each per annum to themselves. This wd. eventually do away with the anomaly of a Brahman Poojari in a Panchala temple, as observed by the Govt. Secy. Officiating. In one of the more Siva shrines of the Panchalas, the Vellalas or non-Sivaiyathe Vellalas, which appeared before Govt. objected to Brahman Poojaris and wished that one of their own Castemen might be made the Poojaki instead. Vide note under date 27th Jan. Such a change was made at the hearing by the Collector. This is not very desirable to perpetuate the anomaly observed by above

I wd. restore the old hereditary Gymnasiarchship to Pethachee Iraniyanna who has repeatedly been recommended as a change by the Officials. There seems to be little or no objection on this score in the case of the non-Sivaiyathes.

The Incoming Collr's. note of the 13th April 1905

(2)

Upman, Hereditary
Vellala Vagai, Q.C.
Sub Reg Chairman
Govt Govt Engr
Suitable channel to
Upmanship for hereditary

vests only to the Joint Trusteeship and not to the Hereditary Trusteeship.

Though Mr Abdul Aziz and after him his son Chiranjilal contended that they were hereditary trustees of the temple Hereditary Trusteeship, they were never recognised as such.

Any association with the petitioners of an individual of the opposite sect is neither called for nor expedient under the circumstances of the case.

28th January 1898

Abdul Rahiman

Before Council

Hy 28/1/98

Rd 7 Bn.
28.1.98

Please this file upto the Hd Dewan for final orders

29.1.98

Please arrange the papers. Make a copy of the above minute & bring back

Hy 30/1/98

The Review shd be dismissed & the original order confirmed.

For the proper supervision of the temple qualified

madam, the necessary
ited - No gentleman is
present.
The Ambassador Pujari (a Brahmin)
judicially is proved to have been
guilty of misbehaviour
fact of duty, and he is
so unpopular
is a defect of
haracter that the Panchalas
evotees don't do not
attend the temple because
he officiates -
He should be removed from
the office of Pujari and a proper
qualified Pujari Brahmin
be appointed, the due
regard being had to
any selection recommended
by the Panchala Committee
in accordance with the

15-199

Read:—

—Govt Pro: no 915 Mus 7. 37-94

15th April 1895 directing re-instatement of Brahman as Pujari of the Kalikamma temple at Kasaba Nagamangal and the abolition of office of the Yejaman of the temple in question

And, Petition Registered 3181 dated 28th May 1895 from Mariamma, the former Yejaman of the temple praying for a reconsideration of the orders conveyed in the above.

No 862 of Order thereon.

Mus-7-37-94

19th Jany 1899. After a careful perusal of the record

the Government see no
grounds to reopen the
case, and they accordingly
direct that the review
petition of Mariamma
be dismissed and the
order of the 15th April 1895
setting the Brahmin
Pujari and abolishing
the office of Yejamanship
be confirmed.

2. As the Yejamanship
has now been abolished
the Commissioner is
requested to recommend
to Government the names
of some qualified persons
to be appointed Dharmas-
thanikars for the proper
performance of the

institution.

3. The present Officiating Brahman Pujari Nanjundiah is proved to have been guilty of neglect of duty and he is so unpopular owing to defect of character that the devotees do not even attend the temple because he officiates as Pujari thereof. He should therefore be removed from the office of Pujari forthwith and another properly qualified Brahman appointed in his stead due regard being had any selection recommended by a majority of local Panchala community

Fair draft. M.V.

The Dy: Commr
Mysore District.
— Encls to Retr
in Canarese.

raw. forwarded to Mysore
16-8-01

20/8/01

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date
190
REG. No 165
MUZRAI BRANCH

No. 507

Name of Petitioner Chinnayya

Village

Taluk Nagamangala

District Mysore

Date of Arzi

Date of Receipt 12/8/01

Date of Disposal

No of Enclosure

my Refers
RS
20/8/01

Submitted

The matter has been
under disposal of — once in Govt
vide no 915 dated 15th April 1895
Muzrai Ft 37-94
and again in Govt Bro no 862
Muzrai Ft 37-94
dated 19th January 1899 on a
new application.

RS
14/9/01

Ask Personal whether a new Archakam Papers has been appointed as directed in Govt no 862 dt 19/1/99 & Were the Inamdars consulted in making the selection?

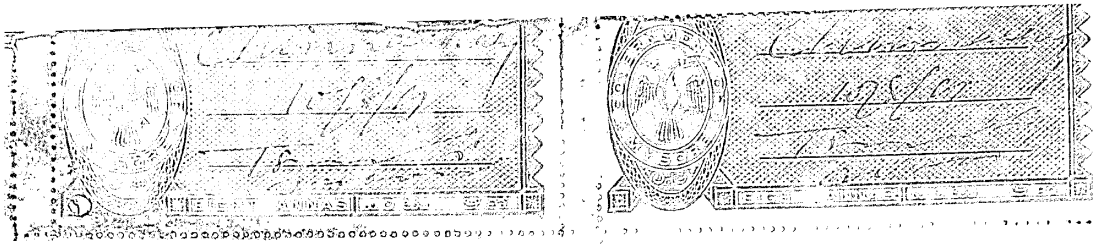
21/9/01

ABSTRACT

With reference to the endorsement No 930 dated 12-7-01, Murrays resubmits his petition duly stamped and prays for early orders.

NB
16/8/01

MGCPB—23-3-01—3,000.



Endorsement-

No 93 of 12 7/01

504 0
12-8-19

Returned, the petition being unstamped

Bangalore
12th July 1901

By order

Deputy Secretary

By post Registered
12-8-01
Two Rupees Stamp
Service applied.

OFFICE OF THE DEWAN OF MYSORE
RECEIVED
Date
REG. No. 165
MUZRAI BRANCH

504 ...

By hand
Regd. letter
2900.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 2900-07
DATE 26-6-1907

MUZRAI

189

From

THE SECRETARY TO THE
GOVERNMENT OF MYSORE.

To

The Deputy Comr.
Mysore Distt.

Dated 26th
Despatched 28th September 1901

Received

General No. 511
Muzrai F. No 37-94
Enclosure No.

Para 3 of the Govt. Ro
No. 862 dt 19th Januar
Mzrl. 37-94
1899, directing the remo
of Nanjundiah Pujari
the Kalikamma Temple
Kasba Nagamangala, a
the appointment in hi
stead of a properly qu
fied Brahmin Pujari
the said temple, ~~with re~~

With reference to the above, has the hon

to enquire whether the above
orders were given effect to,
and if so, from what date;
and whether as directed
therein, a majority of the
local Panchala Community
were consulted in making
the selection of a Brahmin
Pujari

25/11

Dy Secy:

ks

Gen. 31] 1902-1903

~~189~~

From B. K. Venkatarama Da
Deputy Commissi
Mysore District

To L. Ananthasami
Deputy Secretary
Government of Mys
Mysore

Dated [illegible]

Despatched

Received

General No. 186
No.

Enclosure No. 1 file of 1 Doc.

Reporting that as no
Brahmin pujari can be
got, the prayer of the non-
Community to appoint a
of theirs may be granted in
Kalikamma's temple
Nagamangala.

Deputy Commissioner's Office
Mysore District.
Muzrai Department

Dated Mysore 5th February 1903.

From

B K. Venkatavaradaiyangar
Esquire
Deputy Commissioner,
Mysore District

To

L. Anantasami Rao Esquire B.A.
Deputy Secretary to the Government
of Mysore, Muzrai Departme

Sir,

With reference to your docket No. 511
Muz: 7 37-94
dated the 26th September 1901 calling for fur-
-ther information in re the appointment of Pujari
of Kalikamma's temple at Nagamangala, I
have the honor to submit herewith the Franch
Rocks Sub Division Officer's docket No. 487 dated
the 5th January 1903 together with its enclosures
and to state that as no Brahmin pujari can
be got, the prayer of the Panchala Community
to appoint one of them as pujari may be granted.

I have the honor to be
Sir
Your most obedient Servant

B K Venkatavaradaiyangar

Deputy Commissioner
Mysore District

MUZRAI SECRETARIAT.

19 —19

From

L. ANANTASAMI RAO, Esq., B.A.,
DEPUTY SECRETARY TO THE
GOVERNMENT OF MYSORE,
MUZRAI DEPARTMENT

To

The Dy Commr
Mysore District

Dated

Despatched 21st November 1903

Received

General No. 1303
Muzrai F. No. 37-94.

Enclosure No. one (1)

His letter no 186
dated 5th February 1900
recommending the
appointment of one
from among the Panchal
Community as Pujari
of the Kalleshwara temple
at Nanjangud as
no Brahmin was available
since the removal of
the former Brahmin

MGCPB—1,000—21-7-03. Pujari

Ranjundayya.

Has the honour to enquire who is now in actual possession of the Inam land endowed to the temple and became of the produce thereof since the removal of Ranjundayya.

Encs returned for reference and resubmission

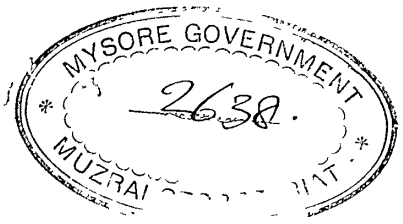
Dy. Secy

14/11/03

Dy. Secy

14/11/04

14/11/03



190 -

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No

6/4/04

Rs

Rupees

Deputy Commissioner's office
Mysore District.
Mazra Department
Dated Mysore 22nd April 1904.

To
M. Shama Rao Esqr. M.A.
Secretary to the Government of
Mysore in the Mazra Department.

Sir

I have the honor to refer to your docket No. 1303-37-94 dated 14th November 1903 calling for further information regarding the produce of the Inam lands endowed to the Kalikamma temple at Narasimharaja, I have the honor to submit herewith the entire correspondence ending with the Kushalnagar Division Assistant Commissioner's Memo No. 130 dated 26th March 1904. It will be seen from the above that the temple Inam lands are being managed by the Dharmadarsi of the temple under the orders of the Sub Division Officer and that the produce from the Inam lands has been unauthorizedly used by him.

I beg to add that the Tahsildar reports that Dr. Ferrier's agent is unavailable for the purpose.

I have the honor to be
Sir
Your most obedient servant
[illegible]
for Deputy Commissioner
Mysore District.

no. 3513 dt 16.5.04. Encl
Muz. 7. 37-94 MUZRAI

19 —19

From

To The Dy Commr
Mysore

Dated May 1904.
Despatched
Received

General No.
Muzrai F. No.

Enclosure

Sir,

With reference to your ~~Na~~ letter. No. 285 of April 1904

~~the produce of the ina~~

regarding the opinion of ~~lands endowed to the~~ Kal
temple at Nagamangal

I am directed to observe that there has been a ~~the~~ ~~appointment of a~~ ~~Brahmin Pujari there~~ ~~considerable~~ delay on the part of the local officers, in giving effect to the orders contained in the Govt. Proc

862 dated 19th
Muz 37-94

In the above it is more reported that the produce of the inam lands attached to the temple &c &c.

Mava and Subbakutty have been unauthorizedly disposed of by the Dharmadarsis of the temple under whose management the funds appear to have been. It is not clear as to what they have to say in regard to crediting to the funds of the temple the income from the produce. This should be enquired into & a detailed report together with the Dy Comrs opinion submitted at early date.

Reverting to the ist para of the ltr. under the Dy Commissioners

under authority of the Dy Comrs to attend & appoint a competent Brahmin Gujari in the room of Ramjuna who was directed to removed from the Office of Gujari forthwith, but it is not understood why the order has not yet been carried out, although the Amildar reported that one (a Brahmin) Sreekrishnayya is willing for, and willing to take up the post. He should now be appointed at once, if the Dy Comrs has no objection to this appointment.

It is observed

reference is invite
to the concluding observa
contained in Govt. Pr
No. 862 dy 19th Jan
Mar 7 37-94
18 , with a req
that a detailed rep
in regard to the wish
of a majority of the lo
Panchala Communi
should be submi
in the matter of the sele
of the Brahmin Puja
reported to be now
available. If the sele
is agreeable to the Comm
the Dy Commr is reques
to nominate the fit

and some others the Panchala Community the Government gratuitous grant a statement from the Trustees that they are not in favour a Brahmin Pujari being instituted. They must be timely informed by one of the Endowment Dept. Govt. entertain views in this direction.

The temple has had Brahmin Pujari since days of Devan Ramappa, the matter has been timely brought to the Trustees in 3.

a report of the 21st March 1904 states that Devan Bahadur attended the temple were in the possession of the Dharmakarthas who managing

(d) Submit a clear report together with your opinion in the matter.

The orders are

Issued for perusal & result

By order

Asst

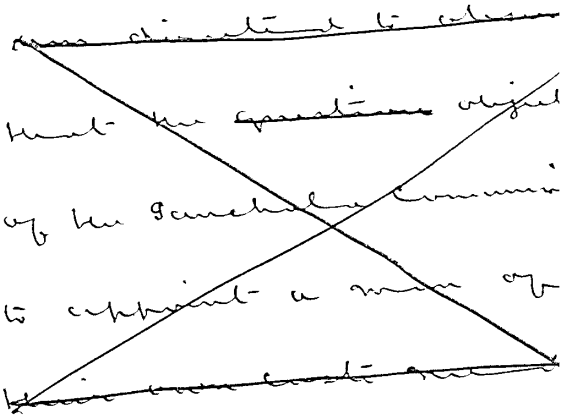
Asst Secretary

Name under his order of the Sub-Divisional Officer, and send the counterfoil of expenditure Receipts from the Inamdars for grain given on Subsistence. This point should be enquired into and disposed of by you.

4. It is further observed from the third report sent over by the Dharmadhikari by name Venkatachar has been acting living with his family within the precincts of the temple - I am to draw your attention to Govt Lr no 501-8 dated 24th Feb 1892, on the

subject, and to request that orders be given to vacate the building forthwith.

5. In conclusion



we beg to point out that, as submitted by the solicitors, the members of the Panchala Community have purposely refrained from raising objections to the establishment of a Cultural Project, with view to secure a room of their own caste, and to observe that their objections must

of the Panchala Community to establish a room of their own caste, and to entertainment as longer as this point is been finally decide by Government would be not.

Yours obedient

I have the

Dft.

Hon'ble Mayor

9/5/61

Muz. 3]

GOVT. OF H. H. THE MAHARAJA OF MYSORE,

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. 4758, Cul. H

The accompanying Petition No. 437

dated 12 4 1906 received at this Office from from Sri Cantha[illegible] of Melugamangala praying for the restoration of archakship of the Sri Bhuvaneswari temple at Melugamangala

is forwarded, ~~together with its enclosures~~, to the Dy Com C Mysore for disposal

By Order,

Secretary,
Muzrai Department.

BANGALORE,
17.4 1906

No. 4758 Cul. H

Recd 18/4/06